FIFTY FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia
Friday, March 7, 2025

The Senate was called to order at 10 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Conlan Wesley and Miss EmbryAnna Schluter, presented the Colors.

Page Mr. Cole Domingo led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Katsuya Kusunoki of Seattle Betsuin Buddhist Temple.

MOTIONS

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

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

March 4, 2025

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

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

SHAWNIE VANLEEUWEN, appointed March 5, 2025, for the term ending January 4, 2027, as Member of the Personnel Resources Board.

Sincerely,
BOB FERGUSON, Governor

Referred to Committee on Labor & Commerce as Senate Gubernatorial Appointment No. 9228.

MOTIONS

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

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

MESSAGE FROM THE HOUSE

March 6, 2025

MR. PRESIDENT:
The House has passed:

HOUSE BILL NO. 1060,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1096,
HOUSE BILL NO. 1230,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1293,
SUBSTITUTE HOUSE BILL NO. 1490,
HOUSE BILL NO. 1647,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1648,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688,
SECOND SUBSTITUTE HOUSE BILL NO. 1696,
ENGROSSED HOUSE BILL NO. 1705,
SECOND SUBSTITUTE HOUSE BILL NO. 1715,
SUBSTITUTE HOUSE BILL NO. 1791,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1875,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5785 by Senator Robinson

AN ACT Relating to modifying students' share of the education costs at institutions of higher education; amending RCW 28B.15.067; reenacting and amending RCW 28B.92.200 and 43.88C.010; adding a new section to chapter 28B.92 RCW; repealing RCW 28B.92.205; and providing effective dates.

Referred to Committee on Ways & Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1064 by Representatives Abbarno, Tharinger, Steele, Pollet, Rude, Ryu, Waters, Hackney, Low, Springer, Callan, Leavitt, Timmons, Wylie, and Scott

AN ACT Relating to eliminating the expiration of the interagency, multijurisdictional system improvement team; reenacting and amending RCW 43.155.150; creating a new section; providing an effective date; and declaring an emergency.

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

SHB 1079 by House Committee on Education (originally sponsored by Ortiz-Self, Rude, McEntire, Reed, Shavers, Callan, Simmons, Rule, Nance, Berg, and Reeves)

AN ACT Relating to supporting remote testing options for students enrolled in online school programs; adding a new section to chapter 28A.250 RCW; and creating a new section.

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

E2SHB 1102 by House Committee on Appropriations (originally sponsored by Shavers, Ryu, Leavitt, Callan, Simmons, Goodman, Wylie, Nance, Fosse, and Reeves)

AN ACT Relating to increasing support and services for veterans; amending RCW 43.60A.230; adding a new section to chapter 43.60A RCW; and creating a new section.

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

2SHB 1154 by House Committee on Appropriations (originally sponsored by Duerr, Doglio, Ramel, Berry, Ryu, Callan, Pollet, Berg, Davis, Kloba, and Hunt)

AN ACT Relating to ensuring environmental and public health protection from solid waste handling facility operations; amending RCW 70A.205.125, 70A.205.130, 70A.205.135, and 70A.205.140; reenacting and amending RCW 43.21B.110; adding new sections to chapter 70A.205 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

2SHB 1162 by House Committee on Appropriations (originally sponsored by Leavitt, Schmidt, Berry, Ryu, Macri, Bronoske, Pollet, Nance, Timmons, Ormsby, and Hill)

AN ACT Relating to preventing workplace violence in health care settings; amending RCW 49.19.020; adding a new section to chapter 49.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

HB 1167 by Representatives Shavers, Reed, Ryu, Paul, Simmons, Nance, and Timmons

AN ACT Relating to directing the statewide career and technical education task force to consider expanding and strengthening certain educational opportunities for careers in maritime professions; and amending 2024 c 234 s 3 (uncodified).

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

E2SHB 1174 by House Committee on Appropriations (originally sponsored by Peterson, Thai, Ryu, Taylor, Ortiz-Self, Simmons, Goodman, Davis, Ormsby, Lekanoff, Salahuddin, and Hill)

AN ACT Relating to court interpreters; amending RCW 2.43.010, 2.43.030, 2.43.050, 2.43.060, 2.43.080, 2.43.070, 2.43.040, 2.43.090, 2.56.030, 7.105.245, 13.04.043, and 2.42.120; reenacting and amending RCW 2.43.020; adding new sections to chapter 2.43 RCW; and recodifying RCW 2.43.040 and 2.43.080.

Referred to Committee on Law & Justice.

EHB 1185 by Representatives Fosse, Farivar, Simmons, Wylie, and Salahuddin

AN ACT Relating to membership on the correctional industries advisory committee; and amending RCW 72.09.080.

Referred to Committee on Human Services.

ESHB 1201 by House Committee on Technology, Economic Development, & Veterans (originally sponsored by Leavitt, Ryu, Macri, Bronoske, Simmons, and Berg)

AN ACT Relating to identifying accommodations allowing pets in an emergency or extreme weather event; adding a new section to chapter 38.52 RCW; and creating a new section.

Referred to Committee on Local Government.

ESHB 1233 by House Committee on Appropriations (originally sponsored by Simmons, Scott, Peterson, Davis, Ormsby, and Hill)

AN ACT Relating to work programs for incarcerated persons; amending RCW 72.09.015, 72.09.130, and 72.09.460; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Human Services.

SHB 1260 by House Committee on Appropriations (originally sponsored by Schmidt, Ormsby, and Hill)

AN ACT Relating to administrative costs associated with the document recording fee; and amending RCW 36.22.250.

Referred to Committee on Ways & Means.

SHB 1264 by House Committee on Transportation (originally sponsored by Fey, Macri, Fitzgibbon, Lekanoff, Berry, Bronoske, Leavitt, Callan, Ryu, Ramel, Reed, Paul, Parshley, Nance, and Alvarado)

AN ACT Relating to making the salaries of ferry system collective bargaining units more competitive through salary survey comparisons; and amending RCW 47.64.006, 47.64.170, and 47.64.320.

Referred to Committee on Transportation.

SHB 1281 by House Committee on Civil Rights & Judiciary (originally sponsored by Goodman, Simmons, and Hill)

AN ACT Relating to making technical corrections and removing obsolete language from the Revised Code of Washington pursuant to RCW 1.08.025; amending RCW 1.16.050, 9.94A.507, 18.225.090, 23B.13.200, 23B.13.210, 23B.13.220, 66.04.021, 6.15.060, 9.94A.840, 9.94B.020, 9.95.040, 9A.56.120, 12.36.020, 18.73.270, 18.330.040, 19.116.040, 19.182.040, 28A.600.385, 28B.20.810, 28B.76.730, 35.82.080, 35.82.285, 36.32.440, 38.52.020, 38.52.390, 41.32.345, 41.56.465, 41.56.492, 43.20B.670, 43.21A.662, 43.70.670, 43.216.152, 43.330.430, 43.330.435, 46.18.205, 46.61.100, 48.20.555, 48.21.375, 51.14.150, 59.22.020, 64.34.216, 64.34.316, 64.34.324, 64.34.400, 69.25.030, 70.14.050, 70.122.020, 71.09.098, 71A.12.210, 71A.12.220, 74.04.00511, 74.04.300, 74.04.670, 79A.05.065, 80.70.020, 88.02.610, 18.20.230, 18.50.032, 18.79.010, 18.79.040, 18.79.050, 18.79.070, 18.79.080, 18.79.090, 18.79.100, 18.79.110, 18.79.150, 18.79.160, 18.79.170, 18.79.180, 18.79.190, 18.79.230, 18.79.240, 18.79.250, 18.79.260, 18.79.290, 18.79.310, 18.79.340, 18.79.390, 18.79.400, 18.79.410, 18.79.430, 18.79.435, 18.79.440, 18.79.800, 18.79.810, 18.88A.020, 18.88A.030, 18.88A.060, 18.88A.080, 18.88A.082, 18.88A.085, 18.88A.087, 18.88A.088, 18.88A.090, 18.88A.100, 18.88A.210, 18.88B.070, 28A.210.275, 28A.210.280, 28A.210.290, 28B.115.020, 41.05.180, 48.20.393, 48.21.225, 48.43.087, 48.44.325, 48.46.275, 69.45.010, 69.51A.300, 70.128.210, 74.42.230, 7.68.030, 7.68.063, 7.68.080, 9.02.110, 9.02.130, 10.77.175, 11.130.290, 11.130.390, 11.130.615, 18.16.260, 18.50.005, 18.50.115, 18.57.040, 18.59.100, 18.64.253, 18.64.560, 18.71.030, 18.74.200, 18.89.020, 18.130.410, 18.134.010, 18.225.010, 18.250.010, 19.410.010, 28A.210.090,

28A.210.275, 28A.210.280, 28A.210.290, 28A.210.305, 41.05.177, 41.05.180, 41.24.155, 43.70.470, 46.19.010, 46.61.506, 46.61.508, 48.20.392, 48.20.393, 48.21.225, 48.21.227, 48.42.100, 48.43.094, 48.43.115, 48.44.325, 48.44.327, 48.46.275, 48.46.277, 48.125.200, 50A.05.010, 51.04.030, 51.28.010, 51.28.020, 51.28.025, 51.28.055, 51.36.010, 51.48.060, 51.52.010, 68.50.105, 69.41.010, 69.41.030, 69.43.135, 69.45.010, 69.50.101, 70.02.010, 70.02.230, 70.24.115, 70.30.061, 70.41.410, 70.47.210, 70.48.135, 70.48.490, 70.54.400, 70.58A.010, 70.122.051, 70.122.130, 70.128.120, 70.180.020, 70.180.040, 70.245.010, 71.05.148, 71.05.154, 71.05.210, 71.05.215, 71.05.230, 71.05.290, 71.05.300, 71.05.585, 71.12.540, 71.32.110, 71.32.140, 71.32.250, 71.34.720, 71.34.750, 71.34.755, 71.34.770, 71.34.815, 72.09.588, 74.09.010, 74.09.725, 74.42.010, and 74.42.380; amending 2021 c 167 s 1, 2015 c 207 s 1, 2015 c 70 s 2, 2013 c 3 s 1, 2017 c 317 s 12, 2015 2nd sp.s. c 4 s 101, 2020 c 236 s 1, 2020 c 133 s 1, 2019 c 393 s 1, and 2007 c 371 s 1 (uncodified); reenacting and amending RCW 19.158.020, 43.21B.110, 90.58.090, 18.130.175, 43.21B.300, 43.43.842, 70.41.230, 9.02.170, 9.41.010, 10.77.010, 18.360.010, 43.70.442, 51.36.110, 69.51A.010, 70.41.230, 71.05.217, 71.32.020, 71.32.260, and 71.34.730; reenacting RCW 19.09.085, 28B.76.526, 43.03.230, 43.03.240, 43.03.250, 43.03.265, 43.79.195, and 70A.65.030; creating a new section; decodifying RCW 15.92.105, 28A.300.2851, 28A.300.807, 43.10.300, and 43.280.091; repealing 2023 c 470 s 3013; providing effective dates; and providing expiration dates.

Referred to Committee on Law & Justice.

2SHB 1285 by House Committee on Appropriations (originally sponsored by Rude, Stonier, Lekanoff, Doglio, Couture, Connors, Berry, Bronoske, Leavitt, Ryu, Davis, Barkis, Orcutt, Jacobsen, Goodman, Walsh, Steele, Paul, Tharinger, Klicker, Nance, Eslick, Taylor, Caldier, Parshley, Keaton, Ley, Timmons, Pollet, Fey, Simmons, and Hill)

AN ACT Relating to making financial education instruction a graduation requirement in public schools; amending RCW 28A.300.468; adding a new section to chapter 28A.230 RCW; creating new sections; and providing expiration dates.

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

SHB 1294 by House Committee on Appropriations (originally sponsored by Dent, Reeves, Timmons, and Hill)

AN ACT Relating to extending the pesticide application safety committee; amending RCW 70.104.110; amending 2019 c 327 s 1 (uncodified); creating a new section; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1314 by Representatives Callan, Abbarno, Fosse, Davis, Waters, Reed, Salahuddin, Tharinger, Nance, Eslick, and Doglio

AN ACT Relating to the early learning facilities grant and loan program; amending RCW 43.31.565, 43.31.569, 43.31.571, 43.31.573, 43.31.575, 43.31.577, 43.31.579, and 43.31.581; adding a new section to chapter 43.31 RCW; and repealing RCW 43.31.567.

Referred to Committee on Ways & Means.

2SHB 1359 by House Committee on Appropriations (originally sponsored by Thai, Abbarno, Eslick, Goodman, and Davis)

AN ACT Relating to reviewing laws related to criminal insanity and competency to stand trial; adding new sections to chapter 10.77 RCW; creating new sections; recodifying RCW 10.77.020, 10.77.027, 10.77.0942, 10.77.095, 10.77.097, 10.77.210, 10.77.230, 10.77.240, 10.77.250, 10.77.255, 10.77.260, 10.77.270, 10.77.275, 10.77.280, 10.77.300, 10.77.145, 10.77.163, 10.77.165, 10.77.205, 10.77.207, 10.77.060, 10.77.065, 10.77.070, 10.77.100, 10.77.025, 10.77.030, 10.77.040, 10.77.080, 10.77.091, 10.77.094, 10.77.110, 10.77.120, 10.77.132, 10.77.140, 10.77.150, 10.77.152, 10.77.155, 10.77.160, 10.77.170, 10.77.175, 10.77.180, 10.77.190, 10.77.195, 10.77.200, 10.77.220, 10.77.050, 10.77.068, 10.77.072, 10.77.074, 10.77.075, 10.77.079, 10.77.084, 10.77.0845, 10.77.086, 10.77.088, 10.77.0885, 10.77.089, 10.77.092, 10.77.093, 10.77.202, and 10.77.320; decodifying RCW 10.77.2101, 10.77.290, 10.77.310, 10.77.940, and 10.77.950; and providing an expiration date.

Referred to Committee on Law & Justice.

HB 1361 by Representatives Hill, Taylor, Fosse, and Ormsby

AN ACT Relating to updating process service requirements in Washington state for business entities and motorists; amending RCW 4.28.080, 4.28.100, and 46.64.040; and repealing RCW 4.28.090.

Referred to Committee on Law & Justice.

EHB 1382 by Representatives Tharinger, Macri, Stonier, Thai, Parshley, Obras, Lekanoff, Davis, Simmons, Hill, and Ormsby

AN ACT Relating to modernizing the all payers claims database by updating reporting requirements, data disclosure standards, and lead organization requirements; and amending RCW 43.371.010, 43.371.020, 43.371.050, 43.371.060, 43.371.070, and 43.371.090.

Referred to Committee on Health & Long-Term Care.

ESHB 1385 by House Committee on Early Learning & Human Services (originally sponsored by Taylor, Burnett, Leavitt, Ley, Davis, Reeves, Obras, Salahuddin, and Wylie)

AN ACT Relating to the fingerprint background check on national child protection act and volunteers for children's act program; amending RCW 43.43.830; and adding a new section to chapter 43.43 RCW.

Referred to Committee on Human Services.

2SHB 1391 by House Committee on Appropriations (originally sponsored by Cortes, Eslick, Ryu, Stonier, Simmons, Peterson, Reed, Parshley, Goodman, Doglio, Taylor, Salahuddin, Street, Timmons, Scott, and Santos)

AN ACT Relating to improving developmentally appropriate alternatives for youth outside the formal court process; amending RCW 13.40.020, 13.40.080, 13.06.010, and 2.56.032; adding a new section to chapter 13.06 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Human Services.

EHB 1393 by Representatives McEntire, Morgan, Stonier, Simmons, Thai, Bergquist, Taylor, Springer, Wylie, Pollet, Ormsby, Hill, and Santos

AN ACT Relating to providing public school students with opportunities for cultural expression at commencement ceremonies; adding a new section to chapter 28A.600 RCW; and creating a new section.

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

SHB 1418 by House Committee on Transportation (originally sponsored by Timmons, Ramel, Duerr, Simmons, Parshley, Reed, Doglio, Pollet, Hill, and Donaghy)

AN ACT Relating to adding two voting members that are transit users to the governing body of public transportation benefit areas; amending RCW 36.57A.050; and providing an effective date.

Referred to Committee on Transportation.

ESHB 1439 by House Committee on Transportation (originally sponsored by Bernbaum, Abell, Donaghy, Reed, and Tharinger)

AN ACT Relating to modifying motor vehicle and driver licensing laws to align with federal definitions, making technical corrections, and streamlining requirements; amending RCW 46.04.480, 46.04.580, 46.12.635, 46.12.665, 46.12.665, 46.20.285, 46.20.2892, 46.20.328, 46.20.329, 46.25.082, 46.29.050, 46.65.060, and 46.65.065; repealing RCW 46.18.240 and 46.18.250; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

E2SHB 1440 by House Committee on Transportation (originally sponsored by Goodman, Hackney, Peterson, and Ormsby)

AN ACT Relating to seizure and forfeiture procedures and reporting; amending RCW 9.68A.120, 9A.88.150, 9A.83.030, 10.105.010, 19.290.230, 46.61.5058, 70.74.400, 77.15.070, and 38.42.020; reenacting and amending RCW 69.50.505; adding a new chapter to Title 7 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Law & Justice.

2SHB 1462 by House Committee on Appropriations (originally sponsored by Duerr, Berry, Doglio, Fitzgibbon, Reed, Ramel, Parshley, Goodman, Macri, Kloba, and Hunt)

AN ACT Relating to reducing greenhouse gas emissions associated with hydrofluorocarbons by transitioning to environmentally and economically sustainable alternatives and promoting use of reclaimed hydrofluorocarbons; amending RCW 70A.60.010; adding new sections to chapter 70A.60 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

ESHB 1483 by House Committee on Technology, Economic Development, & Veterans (originally sponsored by Gregerson, Reeves, Wylie, Berry, Doglio, Fitzgibbon, Davis, Reed, Ramel, Bergquist, Peterson, Macri, Fosse, Ormsby, Hill, and Simmons)

AN ACT Relating to supporting the servicing and right to repair of certain products with digital electronics in a secure and reliable manner to increase access and affordability for Washingtonians; and adding a new chapter to Title 19 RCW.

Referred to Committee on Environment, Energy & Technology.

3SHB 1491 by House Committee on Appropriations (originally sponsored by Reed, Richards, Berry, Duerr, Cortes, Doglio, Ryu, Fitzgibbon, Alvarado, Davis, Ramel, Parshley, Mena, Peterson, Nance, Macri, Fosse, Kloba, Ormsby, Scott, Pollet, Hill, Obras, and Simmons)

AN ACT Relating to promoting community and transit-oriented housing development; amending RCW 36.70A.030, 43.21C.229, 84.14.010, 84.14.020, 84.14.030, 84.14.060, 84.14.090, 84.14.100, and 84.14.110; adding new sections to chapter 36.70A RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.32 RCW; adding a new section to chapter 84.14 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Housing.

HB 1494 by Representatives Ramel, Donaghy, Nance, Walen, Duerr, Reed, Parshley, and Salahuddin

AN ACT Relating to the property tax exemptions for new and rehabilitated multiple-unit dwellings in urban centers without extending the expiration date of the exemptions or expanding the exemptions to conversions of market rate residential buildings to affordable housing; and amending RCW 84.14.010, 84.14.020, 84.14.021, 84.14.040, 84.14.060, 84.14.070, 84.14.100, and 84.14.110.

Referred to Committee on Ways & Means.

2SHB 1524 by House Committee on Appropriations (originally sponsored by Obras, Scott, Fosse, Hill, Gregerson, Reed, Berry, Parshley, Salahuddin, Peterson, Simmons, Ormsby, Macri, and Pollet)

AN ACT Relating to ensuring compliance with and enforcement of certain workplace standards and requirements applicable to employers of isolated employees; amending RCW 49.60.515; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Labor & Commerce.

ESHB 1551 by House Committee on Consumer Protection & Business (originally sponsored by Reeves, Entenman, Morgan, Kloba, Ormsby, Santos, Doglio, and Hill)

AN ACT Relating to extending the cannabis social equity program to evaluate the program and implement efficiencies; amending RCW 69.50.335 and 43.330.540; creating a new section; and declaring an emergency.

Referred to Committee on Labor & Commerce.

HB 1553 by Representatives Richards, Dent, Hackney, Bernbaum, Kloba, and Springer

AN ACT Relating to extending the dairy inspection program until June 30, 2031; amending RCW 15.36.551; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1556 by Representatives Entenman, Davis, Leavitt, Ortiz-Self, Reed, Kloba, Pollet, Hill, and Simmons

AN ACT Relating to tuition waivers for high school completers at community and technical colleges; and amending RCW 28B.15.520.

Referred to Committee on Higher Education & Workforce Development.

ESHB 1562 by House Committee on Local Government (originally sponsored by Hunt, Griffey, Parshley, Duerr, Berry, Davis, Callan, Leavitt, Ramel, Bernbaum, Zahn, Ormsby, Scott, Doglio, Hill, and Fosse)

AN ACT Relating to increasing the availability of baby diaper changing stations; adding a new section to chapter 70.54 RCW; and prescribing penalties.

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

HB 1633 by Representatives Hill, Waters, Bergquist, Obras, Taylor, Ormsby, Berry, Peterson, Gregerson, Parshley, Reed, Reeves, Simmons, Thomas, and Nance

AN ACT Relating to prime contractor bidding submission requirements on public works contracts; and amending RCW 39.30.060.

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

HB 1640 by Representatives Zahn, Bronoske, Ormsby, and Thai

AN ACT Relating to placing licenses issued in chapters 18.71B and 18.71C RCW under the authority of the uniform disciplinary act; and reenacting and amending RCW 18.130.040.

Referred to Committee on Health & Long-Term Care.

HB 1731 by Representative Waters

AN ACT Relating to unclaimed property held by a museum or historical society; and amending RCW 63.26.040.

Referred to Committee on Law & Justice.

HB 1757 by Representatives Walen, Fitzgibbon, Parshley, Paul, Ramel, and Reed

AN ACT Relating to modifying regulations for existing buildings used for residential purposes; and amending RCW 35A.21.440 and 35.21.990.

Referred to Committee on Housing.

HB 1760 by Representatives Volz, Peterson, Connors, Griffey, Schmidt, Waters, Barnard, Low, Chase, Eslick, and Ramel

AN ACT Relating to removing barriers for organizations selling manufactured homes to low-income households at cost; and amending RCW 46.70.011.

Referred to Committee on Housing.

SHB 1784 by House Committee on Health Care & Wellness (originally sponsored by Marshall, Simmons, Parshley, and Schmidt)

AN ACT Relating to certified medical assistants; amending RCW 18.360.060; reenacting and amending RCW 18.360.050 and 18.360.010; and adding a new section to chapter 18.360 RCW.

Referred to Committee on Health & Long-Term Care.

2SHB 1788 by House Committee on Appropriations (originally sponsored by Richards, Bronoske, Berry, Wylie, Fosse, Taylor, Ormsby, Nance, Salahuddin, Pollet, and Obras)

AN ACT Relating to workers' compensation benefits; amending RCW 51.32.010 and 51.32.060; creating a new section; and providing an effective date.

Referred to Committee on Labor & Commerce.

ESHB 1829 by House Committee on Community Safety (originally sponsored by Lekanoff, Goodman, and Pollet)

AN ACT Relating to tribal warrants; amending RCW 10.32.070, 9A.72.010, 10.32.010, 10.32.130, 10.32.090, and 10.32.100; and adding new sections to chapter 10.32 RCW.

Referred to Committee on Law & Justice.

SHB 1833 by House Committee on Appropriations (originally sponsored by Keaton, Barnard, Penner, Eslick, and Salahuddin)

AN ACT Relating to creating an artificial intelligence grant program to promote the economic development of innovative uses of artificial intelligence; amending 2024 c 163 s 2 (uncodified); adding new sections to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Environment, Energy & Technology.

HB 1936 by Representatives Chase, Leavitt, and Pollet

AN ACT Relating to extending the expiration of certain school employee postretirement employment restrictions; amending RCW 41.32.570, 41.32.802, 41.32.862, 41.35.060, and 41.40.037; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1970 by Representatives Zahn, and Donaghy

AN ACT Relating to state highway construction project alternative contracting procedures; amending RCW 39.10.270, 47.20.780, and 47.20.785; and declaring an emergency.

Referred to Committee on Transportation.

SHB 1980 by House Committee on Transportation (originally sponsored by Zahn, Salahuddin, Parshley, Springer, Timmons, Street, Berg, Leavitt, Thai, and Low)

AN ACT Relating to allowing certain private employer transportation services to use certain public transportation facilities; and amending RCW 47.52.025 and 46.61.165.

Referred to Committee on Transportation.

MOTIONS

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

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

Senator Lovick moved adoption of the following resolution:

SENATE RESOLUTION 8619

By Senators Lovick, Muzzall, Boehnke, Cleveland, Dhingra, Hansen, Hasegawa, Liias, Nobles, Orwall, Pedersen, Shewmake, Stanford, Valdez, J. Wilson, Cortes, King, Ramos, Salomon, Slatter, and Trudeau

WHEREAS, March 7, 2025, marks the 60th anniversary of Bloody Sunday; and

WHEREAS, Today, the people of Washington state join the nation in remembering Bloody Sunday; and

WHEREAS, After 35 years of organized violence to keep Negroes from the polls, the Alabama state legislature ratified a new constitution in 1901 that sought to disenfranchise Negro voters; and

WHEREAS, Hard-working activist Amelia Boynton Robinson cofounded the Dallas County Voters League in 1933 to register Negro citizens, resisting the efforts of the Ku Klux Klan and county officials, who restricted registration hours, threatened people's jobs, evicted folks from their homes, led boycotts of Negro-owned businesses, and committed violence against Negro people trying to register to vote; and

WHEREAS, James Orange organized the Southern Christian Leadership Conference, and was arrested along with 700 students and adults engaging in nonviolent protests, sparking a march to the Marion county courthouse in Alabama; and

WHEREAS, State officials were ordered to target the marchers, prompting Alabama state troopers to lie in wait, turn off streetlights, and ambush peaceful protesters; and

WHEREAS, An Alabama state trooper followed protester Jimmie Lee Jackson, his mother, and grandfather as they fled to safety, and shot and killed unarmed Jimmie Jackson, giving Negro leaders cause to march to the governor's doorstep; and

WHEREAS, On the Edmund Pettus Bridge, 600 unarmed people were beaten with billy clubs and baseball bats wrapped with barbed wire and sprayed with tear gas by law enforcement officers; and

WHEREAS, While 70 million people watched in dawning horror as protestors were run down by horses and brutalized by law enforcement officers, the nation was brought closer to consciousness, the sanitized reality of the North split open by the violent lived experience of Southern Blacks; and

WHEREAS, As demonstrators sat to pray at the urging of John Lewis, tear gas canisters began filling the air with smoke, in the ensuing chaos Ms. Boynton was knocked unconscious, joining the dozens of others beaten on the bridge; and

WHEREAS, In the wake of the march, President Lyndon B. Johnson spoke to a joint session of Congress, saying "There is no issue of states' rights or national rights. There is only the struggle for human rights. We have already waited 100 years and more, and the time for waiting is gone"; and

WHEREAS, The bravery of 700 transmuted into the will of thousands, as more than 3,200 voting rights advocates began a growing pilgrimage from Selma to Montgomery; and

WHEREAS, 25,000 marchers arrived at the Alabama state house, signaling to the South, the nation, and the world, that the time had come for self-determination to be given in truth to Americans of all colors and creeds; and

WHEREAS, John Lewis would go on to become one of America's finest leaders, and his message of unity and love in the face of adversity taught us all a lesson about the power and possibility of forgiveness; and

WHEREAS, In the words of Dr. King, "Darkness cannot overcome darkness, only light can do that. Violence can never overcome violence, only peace can do that. Hate can never overcome hate, only love can do that"; and

WHEREAS, Thanks to the individuals who sacrificed that day, lending their bodies and minds to that peaceful resistance, alongside the endurance of many activists across the nation, the Voting Rights Act passed on August 6, 1965, marking a momentous milestone for the Civil Rights Movement;

NOW, THEREFORE, BE IT RESOLVED, That the Senate, in recognition of the bravery and steadfastness of Amelia Boynton Robinson, James Orange, Jimmie Lee Jackson, John Lewis, Martin Luther King, Jr., and all those who marched for equality on Bloody Sunday, acknowledge the horrors of violence enacted against Black people. We urge all citizens of our state to remember the events of Bloody Sunday as we progress our collective morals to the point where all citizens may experience the equality and rights we know they deserve.

Senators Lovick, Muzzall, Nobles, Saldaña and Hasegawa spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8619.

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

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Open Window School in Bellevue who were seated in the gallery. The students were the guests of Senator Wellman.

MOTION

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

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Kauffman moved that Schuyler F. Hoss, Senate

Gubernatorial Appointment No. 9069, be confirmed as a member of the Lottery Commission.

Senators Kauffman, Dozier, Cleveland and Harris spoke in favor of passage of the motion.

APPOINTMENT OF SCHUYLER F. HOSS

The President declared the question before the Senate to be the confirmation of Schuyler F. Hoss, Senate Gubernatorial Appointment No. 9069, as a member of the Lottery Commission.

The Secretary called the roll on the confirmation of Schuyler F. Hoss, Senate Gubernatorial Appointment No. 9069, as a member of the Lottery Commission and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Schuyler F. Hoss, Senate Gubernatorial Appointment No. 9069, having received the constitutional majority was declared confirmed as a member of the Lottery Commission.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Robinson moved that Tracy Stanley, Senate Gubernatorial Appointment No. 9104, be confirmed as a member of the State Investment Board.

Senator Robinson spoke in favor of the motion.

APPOINTMENT OF TRACY STANLEY

The President declared the question before the Senate to be the confirmation of Tracy Stanley, Senate Gubernatorial Appointment No. 9104, as a member of the State Investment Board.

The Secretary called the roll on the confirmation of Tracy Stanley, Senate Gubernatorial Appointment No. 9104, as a member of the State Investment Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Tracy Stanley, Senate Gubernatorial Appointment No. 9104, having received the constitutional majority was declared confirmed as a member of the State Investment Board.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Wilson, C. moved that Rhonda Salvesen, Senate Gubernatorial Appointment No. 9175, be confirmed as a member of the Clemency and Pardons Board.

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

APPOINTMENT OF RHONDA SALVESEN

The President declared the question before the Senate to be the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9175, as a member of the Clemency and Pardons Board.

The Secretary called the roll on the confirmation of Rhonda Salvesen, Senate Gubernatorial Appointment No. 9175, as a member of the Clemency and Pardons Board and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Rhonda Salvesen, Senate Gubernatorial Appointment No. 9175, having received the constitutional majority was declared confirmed as a member of the Clemency and Pardons Board.

MOTION

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

SECOND READING

SENATE BILL NO. 5033, by Senators Wilson, J., Lovelett, Bateman, Chapman, Dhingra, Dozier, Krishnadasan, Nobles, Saldaña, Trudeau, and Wellman

Concerning sampling or testing of biosolids for PFAS chemicals.

MOTION

On motion of Senator Wilson, J., Substitute Senate Bill No. 5033 was substituted for Senate Bill No. 5033 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5033, by Senate Committee on Environment, Energy & Technology (originally sponsored by Wilson, J., Lovelett, Bateman, Chapman, Dhingra, Dozier, Krishnadasan, Nobles, Saldaña, Trudeau, and Wellman)

Concerning sampling or testing of biosolids for PFAS chemicals.

The measure was read the second time.

MOTION

On motion of Senator Wilson, J., the rules were suspended, Substitute Senate Bill No. 5033 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5033.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5033 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5033, 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. 5494, by Senators Kauffman, Nobles, Saldaña, Salomon, Shewmake, Stanford, Trudeau, and Valdez

Protecting Washington communities from lead-based paint.

MOTION

On motion of Senator Kauffman, Substitute Senate Bill No. 5494 was substituted for Senate Bill No. 5494 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5494, by Senate Committee on Ways & Means (originally sponsored by Kauffman, Nobles, Saldaña, Salomon, Shewmake, Stanford, Trudeau, and Valdez)

Protecting Washington communities from lead-based paint.

The measure was read the second time.

MOTION

On motion of Senator Kauffman, the rules were suspended, Substitute Senate Bill No. 5494 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kauffman spoke in favor of passage of the bill.

Senator Boehnke spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5494.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5494 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Chapman, Cleveland, Conway, Cortes, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Krishnadasan, Liias, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Slatter, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Christian, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, MacEwen, McCune, Muzzall, Short, Torres, Wagoner, Warnick and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5494, 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. 5284, by Senators Lovelett, Shewmake, Nobles, Bateman, Salomon, Saldaña, Stanford, Wilson, C., Frame, Pedersen, Hasegawa, Liias, Orwall, Slatter, and Valdez

Improving Washington's solid waste management outcomes.

MOTION

On motion of Senator Lovelett, Second Substitute Senate Bill No. 5284 was substituted for Senate Bill No. 5284 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5284, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Shewmake, Nobles, Bateman, Salomon, Saldaña, Stanford, Wilson, C., Frame, Pedersen, Hasegawa, Liias, Orwall, Slatter, and Valdez)

Improving Washington's solid waste management outcomes.

The measure was read the second time.

MOTION

Senator Muzzall moved that the following floor amendment no. 0144 by Senator Muzzall be adopted:

On page 6, line 1, after "(k)" insert "Products packaged at establishments under the regulatory jurisdiction of the United States department of agriculture's food safety and inspection service pursuant to the federal meat inspection act (21 U.S.C. Sec. 601 et seq.), the poultry products inspection act (21 U.S.C. Sec. 451 et seq.), or the egg products inspection act (21 U.S.C. Sec. 1031 et seq.). This subsection does not apply to compostable packaging;

(l)"

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

Senators Muzzall and Harris spoke in favor of adoption of the

amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0144 by Senator Muzzall on page 6, line 1 to Second Substitute Senate Bill No. 5284.

The motion by Senator Muzzall did not carry and floor amendment no. 0144 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 0142 by Senator Short be adopted:

On page 26, after line 25, insert the following:

"(3) Material recovery facilities receiving covered materials collected from covered entities must offer commodity materials comprised, in part, of covered materials and that have been processed by the material recovery facility for sale to entities licensed under chapter 19.290 RCW prior to offering such materials for sale to other entities."

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

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0142 by Senator Short on page 26, after line 25 to Second Substitute Senate Bill No. 5284.

The motion by Senator Short did not carry and floor amendment no. 0142 was not adopted by rising vote.

MOTION

Senator Short moved that the following floor amendment no. 0143 by Senator Short be adopted:

On page 27, line 9, after "reimbursement" insert ". A government entity must pass on the applicable portion of reimbursement from a producer responsibility organization regardless of whether it is registered as a service provider"

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

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0143 by Senator Short on page 27, line 9 to Second Substitute Senate Bill No. 5284.

The motion by Senator Short did not carry and floor amendment no. 0143 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator MacEwen and without objection, floor amendment no. 140 by Senator MacEwen on page 48, line 27 to Second Substitute Senate Bill No. 5284 was withdrawn.

MOTION

Senator MacEwen moved that the following floor amendment no. 0158 by Senator MacEwen be adopted:

On page 48, line 27, after "collected" strike "under this section" and insert "from producers under this act"

Senators MacEwen and Lovelett spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0158 by Senator MacEwen on page 48, line 27 to Second Substitute Senate Bill No. 5284.

The motion by Senator MacEwen carried and floor amendment no. 0158 was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced members of the students from Gildo Rey Elementary School in Auburn who were seated in the gallery. The students were guests of Claire Wilson.

MOTION

Senator MacEwen moved that the following floor amendment no. 0141 by Senator MacEwen be adopted:

On page 56, after line 2, insert the following:

"(4) By November 1, 2030, and by November 1st of every even-numbered year thereafter, the state auditor must conduct a comprehensive audit of the program created by this chapter, including the plans implemented by each producer responsibility organization, and publish a report with its findings. The state auditor may consider, but is not limited to evaluating, the contents of annual reports submitted to the department under section 120 of this act, and the data and information that are audited annually by a third party under section 120(1)(d) of this act."

Senator MacEwen spoke in favor of adoption of the amendment.

Senator Lovelett spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0141 by Senator MacEwen on page 56, after line 2 to Second Substitute Senate Bill No. 5284.

The motion by Senator MacEwen failed and floor amendment no. 0141 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following striking floor amendment no. 0145 by Senator Fortunato be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature intends to support the burning of solid waste, which is the ultimate renewable resource, to produce renewable energy. By December 31, 2026, the department of ecology and the utilities and transportation commission shall submit a jointly prepared report to the legislature examining opportunities, and making recommendations, for expanding the use of waste-to-energy plants in Washington.

(2) The legislature intends to appropriate sufficient moneys to carry out the purposes of this act."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "and creating a new section."

Senator Fortunato spoke in favor of adoption of the striking amendment.

Senator Shewmake spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0145 by Senator Fortunato to Second Substitute Senate Bill No. 5284.

The motion by Senator Fortunato did not carry and striking

floor amendment no. 0145 was not adopted by voice vote.

MOTION

Senator Boehnke moved that the following striking floor amendment no. 0146 by Senator Boehnke be adopted:

Strike everything after the enacting clause and insert the following:

"PART 1
INTENT

NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds that:

(a) Washington state has been a leader in recycling policy, reaching the goal of 50 percent recycling set by the legislature in RCW 70A.205.005. The legislature further finds that, since meeting the state's goal to achieve a 50 percent recycling rate, global market conditions have caused the recycling rate to fall below 50 percent, demonstrating the dependence of recycling rates on reliable, consistent recycling markets for recyclable materials;

(b) New goals and target recycling rates must be established and a comprehensive needs assessment is necessary to implement improvements to Washington's existing recycling system to reach those goals;

(c) Programs, activities, or projects that reduce greenhouse gas emissions from the solid waste sector, including a comprehensive needs assessment, are intended to be funded from the climate commitment account;

(d) 88 percent of Washington residents living in single-family homes and 77 percent living in multifamily residences have access to curbside recycling services through a robust regulatory structure that ensures equal access to services at affordable rates; and

(e) The investments in infrastructure by Washington companies has led to the development of materials sorting and processing superior to most other states.

(2)(a) The legislature finds that contamination in the recycling stream is a major impediment to higher recovery rates.

(b) It is the intent of the legislature to implement proven strategies to address these challenges, including:

(i) The establishment of a single statewide list of materials for recyclables collected through Washington's curbside recycling system to reduce confusion and increase participation;

(ii) A robust needs assessment unique to Washington state to determine costs and investments necessary to achieve a 65 percent overall recycling rate for packaging; and

(iii) Study the use of recycling symbols on packaging that cannot be readily recycled through Washington's recycling system.

(3) Finally, it is the intent of the legislature that Washington should maintain the successful public-private partnership between state, local government, and solid waste and recycling service providers. The legislature does not intend to diminish or displace the primary role of the utilities and transportation commission and local governments in regulating or contracting directly with service providers for the curbside collection of residential recyclables. Local governments maintain their existing authority to collect, contract for collection with solid waste and recycling service providers, or defer to solid waste collection services regulated by the utilities and transportation commission.

(4) Therefore, it is the intent of the legislature to implement proven strategies to address these challenges, including a robust needs assessment unique to Washington state to determine costs and investments necessary to achieve a 65 percent overall recycling rate for packaging.

PART 2
RATES STUDY, MATERIALS LIST, AND NEEDS ASSESSMENT

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

(1) "Consumable product" means a commodity that is intended to be used and not disposed of.

(2) "Contaminant" means a material set out for curbside recycling collection that is not on the list of materials accepted for recycling collection by a recycling collection program.

(3) "Contamination" means the presence of one or more contaminants in a recycling collection or commodity stream in an amount or concentration that negatively impacts the value of the material or negatively impacts a processor's ability to sort that material.

(4) "Covered product" means packaging and paper products sold or supplied to consumers for personal, noncommercial use and disposed of through residential curbside or drop-off site collection systems.

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

(6) "Glass" means a covered product made of soda lime glass.

(7) "Material category" means a group of covered products that have similar properties such as chemical composition, shape, or other characteristics.

(8) "Overburdened community" means an overburdened community identified and prioritized by the department under RCW 70A.02.050(1)(a).

(9)(a) "Packaging" means a covered product that is:

(i) Used to protect, contain, transport, or serve an item;

(ii) Sold or supplied to consumers expressly for the purpose of protecting, containing, transporting, or serving items;

(iii) Attached to an item or its container for the purpose of marketing or communicating information about the item;

(iv) Supplied at the point of sale to facilitate the delivery of the item; or

(v) Supplied to or purchased by consumers expressly for the purpose of facilitating food or beverage consumption that is ordinarily discarded by consumers after a single use or short-term use, whether or not it could be reused.

(b) "Packaging" does not include:

(i) Materials intended to be used for the long-term storage or protection of a durable product, that is intended to transport, protect, or store the durable product on an ongoing basis, and that can be expected to be usable for that purpose for a period of at least five years;

(ii) For purposes of this chapter only, materials used to package pesticide products regulated by the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec. 136 et seq., that are in direct contact with the regulated product. This exemption does not include products regulated by the United States food and drug administration;

(iii) Liquefied petroleum gas containers that are designed to be refilled and reused;

(iv)(A) Packaging for drugs that are used for animal medicines including parasiticide products for animals; and

(B) Packaging for products intended for animals that are regulated as animal drugs, biologics, parasiticides, medical devices, or diagnostics used to treat, or administered to, animals under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq., the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec. 136 et seq., or the federal virus-serum-toxin act, 21 U.S.C. Sec. 151 et seq., as amended;

(v) Packaging for products that are regulated as a medical device, dietary supplement, or drug by the United States food and drug administration under the federal food, drug, and cosmetic

act, 21 U.S.C. Sec. 321 et seq. or products that are regulated as a biologic or vaccine by the federal food and drug administration under the public health service act, 42 U.S.C. Sec. 201 et seq.;

(vi) Packaging related to containers of architectural paint that has been collected by a stewardship organization under the program established in chapter 70A.515 RCW;

(vii) Packaging used to contain hazardous or flammable products classified by the 2012 federal occupational safety and health administration hazard communication standard, 29 C.F.R. Sec. 1910.1200 (2012);

(viii) Infant formula, as defined in 21 U.S.C. Sec. 321(z);

(ix) Medical food, as defined in 21 U.S.C. Sec. 360ee(b)(3);

(x) Fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined by the international classification of diseases, 10th revision, or other medical conditions as determined by the department;

(xi) Packaging products used to contain any substance regulated by the federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec. 136 et seq.;

(xii) Packaging products used by entities or individuals covered under North American industry classification system codes 3253 or 1151;

(xiii) Packaging products used to contain any agricultural products regulated under the federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;

(xiv) Animal biologics, including vaccines, bacterins, antisera, diagnostic kits, and other products of biological origin, and others covered by the United States department of agriculture under the virus-serum-toxin act, 21 U.S.C. Sec. 151-159 et seq.;

(xv) Fertilizer packaging used in agriculture or commercial applications;

(xvi) Packaging and products sold or supplied to consumers on board commercial aircraft for personal use during in-flight operations.

(10) "Paper product" means printed paper sold or supplied including flyers, brochures, booklets, catalogs, magazines, and all other paper materials except for: (a) Bound books; (b) conservation grade and archival grade paper; (c) newspapers; (d) paper designed for use in building construction; and (e) paper products that, by any common and foreseeable use, could reasonably be anticipated to become unsafe or unsanitary to handle.

(11)(a) "Producer" means the following person responsible for compliance with covered product registration and reporting requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

(i) If the covered product is sold with the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;

(ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or

(iii) If there is no person described in (a)(i) and (ii) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the covered product in or into the state.

(b) A person is the "producer" of a covered product sold, offered for sale, or distributed in or into this state, as defined in (a)(i) through (iii) of this subsection, except where another person has mutually signed an agreement with a producer as defined in (a)(i) through (iii) of this subsection that contractually assigns responsibility to the person as the producer, and the person has joined a registered producer responsibility organization as the responsible producer for that covered product under this chapter.

(c) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; or

(iii) De minimis producers that annually sell, offer for sale, distribute, or import in or into the country for sale in Washington:

(A) Less than one ton of covered products each year; or

(B) That have a global gross revenue of less than $5,000,000 for the most recent fiscal year of the organization. The department shall calculate an adjusted rate to maintain the small business exemption by the rate of inflation. The adjusted rate must be calculated to the nearest cent using the consumer price index for urban wage earners. Each adjusted rate calculated under this subsection takes effect on the following January 1st.

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

NEW SECTION. **Sec. 202.** ACTIVITIES TO SUPPORT FUTURE INCREASES IN RECOVERY RATES AND RATES STUDY. (1) To inform the future development of strategies to increase recovery rates consistent with the goals established in subsection (2) of this section, the department must:

(a) Identify a statewide list of materials suitable for curbside collection services and a statewide list of materials suitable for drop-off collection, consistent with section 203 of this act, to be completed by October 1, 2026;

(b) Complete a statewide needs assessment to meet the goal established in subsection (2) of this section and be carried out by a third-party consultant selected by the department, consistent with section 204 of this act, and completed by October 1, 2027; and

(c) Begin overseeing the registration and data reporting of producers of packaging, consistent with section 205 of this act.

(2)(a) A goal is established for the state to achieve a recycling rate of 65 percent for covered products. The department must, in consultation with the advisory committee established in section 207 of this act, identify a methodology for calculating progress towards this goal as part of its duties under section 204 of this act, and must begin tracking and periodically making public the state's progress towards this goal beginning in the year following the initial reporting of data by producers under section 205 of this act.

(b) The goals established in this subsection must be used to inform the statewide needs assessment in section 204 of this act.

(3) For purposes of implementing this chapter, the department may, where appropriate, use and rely on the recommended recycling rate targets contained in the department's *December 2023 Washington Recycling, Reuse, and Source Reduction Target Study and Community Input Process*.

NEW SECTION. **Sec. 203.** CURBSIDE AND DROP-OFF RECYCLABLE MATERIALS COLLECTION LISTS FOR NEEDS ASSESSMENT. (1)(a) By October 1, 2026, the department must develop and publish a:

(i) List of recyclable materials suitable for curbside collection from residents in single-family and multifamily residences; and

(ii) Separate list of materials suitable for residential drop-off collection.

(b) The department must review and update the lists in (a) of this subsection by October 1, 2031, and no less often than every five years thereafter. During the review and update of the lists, the

department must newly review each material included on the previous versions of the lists using the factors described in subsection (4) of this section and may only continue to include materials on a list after considering the factors described in subsection (4) of this section.

(2) The initial list of materials suitable for curbside collection developed and published under this section must include the following materials:

(a) Newspaper;

(b) Paperboard and chipboard;

(c) Loose paper;

(d) Corrugated cardboard;

(e) Magazines;

(f) Envelopes;

(g) Aluminum cans;

(h) Tin or steel cans;

(i) High density polyethylene plastic containers; and

(j) Polyethylene terephthalate containers.

(3) The initial list of materials suitable for drop-off residential collection must include the following materials:

(a) Glass; and

(b) Flexible plastic.

(4) In addition to the materials identified under subsections (2) and (3) of this section, the department may identify additional materials for inclusion on a list or remove materials from inclusion on a list based on consultation with the advisory committee established in section 207 of this act, and after considering the following factors:

(a) The stability, maturity, accessibility, and viability of responsible end markets;

(b) Economic factors;

(c) Environmental factors from a life-cycle perspective;

(d) The material's compatibility with existing recycling infrastructure;

(e) The amount of the material available;

(f) The ability for waste generators to easily identify and properly prepare the material;

(g) The practicalities of sorting and storing the material;

(h) Contamination;

(i) Environmental health and safety considerations; and

(j) The anticipated yield loss for the material during the recycling process.

NEW SECTION. **Sec. 204.** STATEWIDE NEEDS ASSESSMENT. (1) The statewide needs assessment must be consistent with the following requirements:

(a) The final scope of the statewide needs assessment must be determined after considering comments and recommendations from stakeholders, each jurisdiction planning under chapter 70A.205 RCW, and the advisory committee established in section 207 of this act; and

(b) Stakeholders, jurisdictions planning under chapter 70A.205 RCW, and the advisory committee must have the opportunity to review and comment on the draft statewide needs assessment at least 90 days prior to its completion. The advisory committee must have the opportunity to review drafts of the needs assessment and accompanying data used in the needs assessment.

(2) The statewide needs assessment must be:

(a) Informed by highest achievable recycling rates and recommended targets in the 2023 performance rates study identified in section 202 of this act and rates and other comments suggested by stakeholders and the advisory committee;

(b) Limited to covered products collected from residents in single-family and multifamily residences included on the list developed and published by the department in section 202 of this act;

(c) Completed only after individual consultation with each jurisdiction planning under chapter 70A.205 RCW; and

(d) Accepted from the selected consultant as complete by the department.

(3) The statewide needs assessment must:

(a) For each jurisdiction planning under chapter 70A.205 RCW, evaluate the capacity, costs, gaps, and needs for the following factors necessary to achieve recycling performance rate recommendations to reach the goal identified under section 202 of this act:

(i) Evaluate what services related to the requirements of this chapter are currently being delivered in each county and city planning under chapter 70A.205 RCW and what the costs are for those existing services;

(A) Availability and types of recycling services for covered products for residents in single-family and multifamily residences, including whether current services are considered residential or commercial and whether any gaps, costs, or needs are specific to either commercial or residential customer service;

(B) The current methods and infrastructure for serving residents, including curbside recycling service areas and material drop-off locations;

(C) Any densely populated areas within each jurisdiction in which curbside recycling services for covered products identified by the department on the list developed and published under section 203 of this act are not available or are only partially available;

(D) Any areas within each jurisdiction where curbside garbage collection services are offered to residents in single-family and multifamily residences but curbside recycling services are not offered;

(ii) Evaluate what new or expanded services and infrastructure are needed in each county and city planning under chapter 70A.205 RCW to meet the target performance rates and what the anticipated costs are for those additional services and infrastructure;

(iii) Education and outreach activities, which may include digital mediums on packaging;

(iv) Availability and performance of collection, transport, and processing capacity and infrastructure, including consideration of material quality and contamination;

(v) Necessary capital investments to existing reuse and recycling infrastructure, and how to maximize the use of existing infrastructure;

(b) Compile information related to actual costs for curbside collection services, drop-off collection services, and other information relevant to the funding requirements to achieve performance rates, including costs for various service methods recommended by stakeholders during the study scoping process;

(c) Estimate the total costs of investments necessary to reach target rates, within each jurisdiction, as well as ongoing program costs related to labor, equipment, and maintenance. Cost factors and variables to be considered in the estimates include:

(i) Population size and density of a local jurisdiction;

(ii) Types of households serviced and collection method used;

(iii) Distance from a local jurisdiction to the nearest recycling facility;

(iv) Whether a jurisdiction pays for transportation and sorting of collected materials and whether it receives a commodity value from processed materials;

(v) Geographic location or other variables contributing to regional differences in costs;

(vi) Cost increases over time; and

(vii) Any other factors as determined to be necessary by the department, with input from stakeholders;

(d)(i) Identify cost factors and other variables to be considered in the development of funding estimates for government entities

for any services other than curbside collection to be carried out by government entities that may be needed to achieve performance rates developed under section 202 of this act;

(ii) Identify methods to consider greenhouse gas emissions and other environmental outcomes associated with potential expansions of curbside recycling services to rural or sparsely populated areas;

(e) Compile relevant information to be considered in the development of criteria by the department to determine whether a covered product is recyclable, reusable, or compostable through Washington's curbside recycling collection system. The relevant information to be compiled may include whether covered product materials are:

(i) Or may be, collected, separated, and processed in sufficient quantity and quality into a marketable feedstock that can be used in the production of new products; or

(ii) Designed in a way that is problematic for reuse, recycling, or composting;

(f) Evaluate how the state's existing recycling system can be improved in a socially just manner as it relates to activities required under this chapter. The assessment must:

(i) Include meaningful consultation with overburdened communities and vulnerable populations;

(ii) Determine conditions and make recommendations including, at minimum:

(A) Improving access to the recycling system for women and minority individuals;

(B) The sufficiency of local government requirements related to multifamily recycling services and their implementation;

(C) Identification of activities that negatively disproportionately impact any community and in particular overburdened communities and vulnerable populations, including new fees, costs, or deposits;

(D) Improving the sufficiency of recycling education and outreach programs relative to desired socially just management outcomes;

(E) Recommendations for improving socially just management practices and outcomes in the state's recycling system; and

(F) Evaluate the extent to which covered products contribute to litter and marine debris. The assessment should draw on available data, assess gaps, and identify strategies for improving prevention and cleanup of litter and marine debris from covered products;

(g) Compile information from available data sources on the presence of toxic substances in covered products and their potential negative impacts on reuse, recycling, and composting systems. The information compiled is intended to inform the development of ecomodulation factors that incentivize the reduction of toxic substances that have potentially negative impacts when covered products are managed through reuse, recycling, and composting systems; and

(h) Conduct voluntary interviews with service providers of curbside recycling services or recycling processing services within a jurisdiction on costs for additional infrastructure, vehicles, staff, equipment, and other investments to achieve the recycling performance goal established under section 202 of this act.

NEW SECTION. **Sec. 205.** COVERED PRODUCT PRODUCER REGISTRATION AND REPORTING. (1) On or before March 1, 2026, and annually thereafter, a producer that offers for sale, sells, or distributes in or into Washington covered products must register with the department individually or through a third-party representative registering on behalf of a group of producers.

(2) The registration information submitted to the department under this section must include a list of the producers of covered products and the brand names of the covered products represented in the registration submittal. Beginning in 2027, a producer may submit registration information at the same time as the information submitted through the annual reporting in subsection (3) of this section.

(3)(a) Beginning April 1, 2027, each producer of covered products, individually or through a third party representing a group of producers, must provide an annual report to the department that includes, by material category, the volume in pounds of covered products sold, offered for sale, or distributed in or into Washington during the preceding calendar year.

(b) The report must be submitted in a format and manner prescribed by the department. A manufacturer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer or third-party representative demonstrates to the department that state level data are not available or feasible to generate.

(c) The department must post the information reported under this subsection on its website, except as provided in (d) of this subsection.

(d) A producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 206.** DEPARTMENT OF ECOLOGY OVERSIGHT. (1) The department shall adopt rules as necessary to administer, implement, and enforce this section and section 205 of this act.

(2)(a) The department may conduct audits and investigations for the purpose of ensuring compliance with section 205 of this act.

(b) The department shall annually publish a list of registered producers of covered products and associated brand names, their compliance status, and other information the department deems appropriate on the department's website.

(3)(a) By July 1, 2026, and every July 1st thereafter, the department must:

(i) Prepare an annual workload analysis for public comment that identifies the annual costs it expects to incur to implement, administer, and enforce this section and section 205 of this act, and to carry out its obligations under this chapter;

(ii) Determine a total annual fee payment by producers or their third-party representatives that is adequate to cover, but not exceed, the workload identified in (a)(i) of this subsection;

(iii) Until rules are adopted under (a)(iv) of this subsection, issue a general order to all entities falling within the definition of producer. The department must equitably determine fee amounts;

(iv) By 2028, adopt rules to equitably determine annual fee payments by producers or their third-party representatives. Once such rules are adopted, the general order issued under (a)(iii) of this subsection is no longer effective; and

(v) Send notice to producers or their third-party representatives of fee amounts due consistent with either the general order issued under (a)(iii) of this subsection or rules adopted under (a)(iv) of this subsection.

(b) The department must:

(i) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected

annual payment exceeds the department's costs for a given year; and

(ii) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(c) By October 1, 2026, and every October 1st thereafter, producers or their third-party representatives must submit a fee payment as determined by the department under (a) of this subsection. Fee payments must be deposited in the recycled content account under RCW 70A.245.110.

(4) For producers out of compliance with the registration or reporting requirements of section 205 of this act, the department shall provide written notification and offer information to producers. For the purposes of this section, written notification serves as notice of the violation. The department must issue at least two notices of violation by certified mail prior to assessing a penalty under subsection (5) of this section.

(5) The department may assess a penalty in an amount not to exceed $1,000 for each day for a violation of this section or section 205 of this act. Penalties collected under this section must be deposited in the recycling enhancement account created in RCW 70A.245.100.

(6) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

NEW SECTION. **Sec. 207.** ADVISORY COMMITTEE. (1) An advisory committee is established.

(2) The advisory committee consists of members appointed by the department as follows:

(a) Four representatives of local governments representing geographic areas across the state, including two representatives of counties and two representatives of cities, each with one representative of urban communities and one representative of rural communities;

(b) One representative of tribal or indigenous solid waste services organizations;

(c) One representative of special purpose districts involved in activities related to the end-of-life management of solid waste;

(d) Two representatives of community-based organizations whose mission is to serve the interests of overburdened communities and vulnerable populations;

(e) Two representatives of environmental nonprofit organizations;

(f) One owner or operator of a small business that is not eligible for representation under (g), (h), or (i) of this subsection;

(g) Six representatives of the recycling industry, including local governments' service providers, solid waste collection companies or associations, material recovery facilities, or other processing facilities;

(h) Four representatives of producers of covered products or producer trade associations representing different types of covered products;

(i) Two representatives of packaging suppliers that are not producers as defined under this chapter representing different material categories; and

(j) One representative of a retail establishment.

(3) Advisory committee members must be appointed by the director of the department by September 1, 2026. In appointing members, the department shall:

(a) Appoint members that, to the greatest extent practicable, represent diversity in race, ethnicity, age, and gender, urban and rural areas, and different regions of the state; and

(b) Consider recommendations for appointments from relevant represented groups or associations and from individuals interested in participating on the advisory committee.

(4)(a) The terms of initial appointments must be staggered to two-year and three-year appointments, with subsequent terms of three years. Members are eligible for reappointment.

(b) If there is a vacancy for any reason, the department shall make an appointment to become effective immediately for the unexpired term.

(5) The advisory committee shall meet at least once every three months at times and places specified by the department. The advisory committee may also meet at other times and places, including virtually, specified by the department or by a call of a majority of the committee members, as necessary, to carry out the duties of the advisory committee.

(6)(a) The department shall provide staff support and facilitation as necessary for the advisory committee to carry out its duties.

(b) The department may select an impartial, third-party facilitator to convene and provide administrative support to the advisory committee.

(c) The department may establish working groups, comprised of interested members of the advisory committee, to discuss issues related to implementation of this chapter, which report back to the full advisory committee including, but limited to, the truth in labeling task force established in section 208 of this act.

(7) The duties of the advisory committee include the following:

(a) Advise and make recommendations to the department on the lists developed and published by the department under section 203 of this act;

(b) Advise and make recommendations to the department on the scope of the statewide needs assessment under section 204 of this act;

(c) Review and comment on draft statewide needs assessments prior to their completion;

(d) Review and comment on the department's implementation and administration of the registration and reporting requirements in sections 205 and 206 of this act; and

(e) Provide input, review, and comment on rules proposed by the department under this chapter.

(8) Advisory committee members that are representatives of tribes or tribal and indigenous services organizations or community-based and environmental nonprofit organizations must, if requested, be compensated and reimbursed in accordance with RCW 43.03.050, 43.03.060, and 43.03.220.

NEW SECTION. **Sec. 208.** TRUTH IN LABELING TASK FORCE. (1) The truth in labeling task force is established as a subgroup of the advisory committee established in section 207 of this act.

(2) The truth in labeling task force shall consist of interested members of the advisory committee.

(3) The truth in labeling task force shall study and evaluate misleading or confusing claims regarding the recyclability of products made on a product or product packaging. The task force shall make recommendations to the legislature for the development of recyclability labeling standards and requirements for products and packaging sold in Washington. The study must include consideration of issues affecting accessibility for diverse audiences. The truth in labeling task force shall prioritize alignment with the federal trade commission's green guides and California's Senate Bill 343 (SB 343, Allen, Chapter 507, Statutes of 2021).

(4) The department must transmit a final report and recommendations from the truth in labeling task force, in the form of draft legislation, to the appropriate committees of the legislature by June 1, 2027.

(5) The department must provide staff support to the truth in labeling task force.

PART 3

POSTCONSUMER RECYCLED CONTENT REQUIREMENTS

Sec. 301. RCW 70A.245.020 and 2021 c 313 s 3 are each amended to read as follows:

(1)(a) Beginning January 1, 2023, producers that offer for sale, sell, or distribute in or into Washington:

(i) Beverages other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers must meet minimum postconsumer recycled content requirements established under subsection (4) of this section; and

(ii) Plastic trash bags must meet minimum postconsumer recycled content requirements established under subsection (6) of this section.

(b) Beginning January 1, 2025, producers that offer for sale, sell, or distribute in or into Washington household cleaning and personal care products in plastic household cleaning and personal care product containers must meet minimum postconsumer recycled content as required under subsection (5) of this section.

(c) Beginning January 1, 2028, producers that offer for sale, sell, or distribute in or into Washington wine in 187 milliliter plastic beverage containers or dairy milk in plastic beverage containers must meet minimum postconsumer recycled content as required under subsection (4) of this section.

(2)(a) On or before April 1, 2022, and annually thereafter, a producer that offers for sale, sells, or distributes in or into Washington covered products must register with the department individually or through a third-party representative registering on behalf of a group of producers, except producers of covered products identified in subsections (13) through (15) of this section shall register by June 1, 2026.

(b) The registration information submitted to the department under this section must include a list of the producers of covered products and the brand names of the covered products represented in the registration submittal. Beginning April 1, 2024, for plastic trash bags and plastic beverage containers other than wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers, April 1, 2026, for plastic household and personal care product containers, and April 1, 2029, for wine in 187 milliliter plastic beverage containers and dairy milk, a producer may submit registration information at the same time as the information submitted through the annual reporting required under RCW 70A.245.030.

(3)(a) By January 31, 2022, and every January 31st thereafter, the department must:

(i) Prepare an annual workload analysis for public comment that identifies the annual costs it expects to incur to implement, administer, and enforce this section and RCW 70A.245.030 through 70A.245.060 and 70A.245.090 (1), (2), and (4), including rule making, in the next fiscal year for each category of covered products;

(ii) Determine a total annual fee payment by producers or their third-party representatives for each category of covered products that is adequate to cover, but not exceed, the workload identified in (a)(i) of this subsection;

(iii) Until rules are adopted under (a)(iv) of this subsection, issue a general order to all entities falling within the definition of producer. The department must equitably determine fee amounts for an individual producer or third-party representatives within each category of covered product;

(iv) By 2024, adopt rules to equitably determine annual fee payments by producers or their third-party representatives within each category of covered product. Once such rules are adopted, the general order issued under (a)(iii) of this subsection is no longer effective; and

(v) Send notice to producers or their third-party representatives of fee amounts due consistent with either the general order issued under (a)(iii) of this subsection or rules adopted under (a)(iv) of this subsection.

(b) The department must:

(i) Apply any remaining annual payment funds from the current year to the annual payment for the coming year, if the collected annual payment exceeds the department's costs for a given year; and

(ii) Increase annual payments for the coming year to cover the department's costs, if the collected annual payment was less than the department's costs for a given year.

(c) By April 1, 2022, and every April 1st thereafter, producers or their third-party representative must submit a fee payment as determined by the department under (a) of this subsection.

(4) A producer of a beverage in a plastic beverage container must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic beverage containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) For beverages except wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2023, through December 31, 2025: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2026, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(b) For wine in 187 milliliter plastic beverage containers and dairy milk:

(i) January 1, 2028, through December 31, 2030: No less than 15 percent postconsumer recycled content plastic by weight;

(ii) January 1, 2031, through December 31, 2035: No less than 25 percent postconsumer recycled content plastic by weight; and

(iii) On and after January 1, 2036: No less than 50 percent postconsumer recycled content plastic by weight.

(5) A producer of household cleaning and personal care products in plastic containers must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2025, through December 31, 2027: No less than 15 percent postconsumer recycled content plastic by weight;

(b) January 1, 2028, through December 31, 2030: No less than 25 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2031: No less than 50 percent postconsumer recycled content plastic by weight.

(6) A producer of plastic trash bags must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of plastic trash bags, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) January 1, 2023, through December 31, 2024: No less than 10 percent postconsumer recycled content plastic by weight;

(b) January 1, 2025, through December 31, 2026: No less than 15 percent postconsumer recycled content plastic by weight; and

(c) On and after January 1, 2027: No less than 20 percent postconsumer recycled content plastic by weight.

(7)(a) Beginning January 1, 2024, or when rule making is complete, whichever is sooner, the department may, on an annual basis on January 1st, review and determine for the following year whether to adjust the minimum postconsumer recycled content percentage required for a type of container or product or category of covered products pursuant to subsection (4), (5), or (6) of this section. The department's review may be initiated by the

department or at the petition of a producer or a covered product manufacturing industry not more than once annually. When submitting a petition, producers or a producer manufacturing industry must provide necessary information that will allow the department to make a determination under (b) of this subsection.

(b) In making a determination pursuant to this subsection, the department must consider, at a minimum, all of the following factors:

(i) Changes in market conditions, including supply and demand for postconsumer recycled content plastics, collection rates, and bale availability both domestically and globally;

(ii) Recycling rates;

(iii) The availability of recycled plastic suitable to meet the minimum postconsumer recycled content requirements pursuant to subsection (4), (5), or (6) of this section, including the availability of high quality recycled plastic, and food-grade recycled plastic from recycling programs;

(iv) The capacity of recycling or processing infrastructure;

(v) The technical feasibility of achieving the minimum postconsumer recycled content requirements in covered products that are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec. 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec. 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R. Sec. 178.600-609, and other federal laws; and

(vi) The progress made by producers in achieving the goals of this section.

(c) Under (a) of this subsection:

(i) The department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (4), (5), or (6) of this section.

(ii) For plastic household cleaning and personal care product containers, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (5) of this section or below a minimum of 10 percent.

(iii) For plastic trash bags, the department may not adjust the minimum postconsumer recycled content requirements above the minimum postconsumer recycled content percentages for the year under review required pursuant to subsection (6) of this section or below the minimum percentage required in subsection (6)(a) of this section.

(d) A producer or the manufacturing industry for a covered product may appeal a decision by the department to adjust postconsumer recycled content percentages under (a) of this subsection or to temporarily exclude covered products from minimum postconsumer recycled content requirements under subsection (8) of this section to the pollution control hearings board within 30 days of the department's determination.

(8) The department must temporarily exclude from minimum postconsumer recycled content requirements for the upcoming year any types of covered products in plastic containers for which a producer annually demonstrates to the department by December 31st of a given year that the achievement of postconsumer recycled content requirements in the container material is not technically feasible in order to comply with health or safety requirements of federal law, including the federal laws specified in subsection (7)(b)(v) of this section. A producer must continue to register and report consistent with the requirements of this chapter for covered products temporarily excluded from minimum postconsumer recycled content requirements under this subsection.

(9) A producer that does not achieve the postconsumer recycled content requirements established under this section is subject to penalties established in RCW 70A.245.040.

(10)(a) A city, town, county, or municipal corporation may not implement local recycled content requirements for a covered product that is subject to minimum postconsumer recycled content requirements established in this section.

(b) A city, town, county, or municipal corporation may establish local purchasing requirements that include recycled content standards that exceed the minimum recycled content requirements established by this chapter for plastic household cleaning and personal care product containers or plastic trash bags purchased by a city, town, or municipal corporation, or its contractor.

(11) The department may enter into contracts for the services required to implement this chapter and related duties of the department.

(12) In-state distributors, wholesalers, and retailers in possession of covered products manufactured before the date that postconsumer recycled content requirements become effective may exhaust their existing stock through sales to the public.

(13) A producer of polypropylene tubs must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of polypropylene tubs, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective as of:

(a)(i) Products manufactured between January 1, 2031, through December 31, 2035: No less than 10 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2036: No less than 30 percent postconsumer recycled content plastic by weight.

(b) For polypropylene tubs in direct contact with food or edible products:

(i) Products manufactured between January 1, 2035, through December 31, 2038: No less than 10 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2040: No less than 30 percent postconsumer recycled content plastic by weight.

(14) A producer of single-use plastic cups made of polyethylene terephthalate, polypropylene, or polystyrene must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of single-use plastic cups, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) For polypropylene single-use plastic cups:

(i) Products manufactured between January 1, 2032, through December 31, 2032: No less than 15 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2034: No less than 25 percent postconsumer recycled content plastic by weight.

(b) For polyethylene terephthalate and polystyrene single-use plastic cups:

(i) Products manufactured between January 1, 2034, through December 31, 2035: No less than 20 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2036: No less than 30 percent postconsumer recycled content plastic by weight.

(15) A producer of a polyethylene terephthalate thermoform plastic container must meet the following annual minimum postconsumer recycled content percentage on average for the total quantity of polyethylene terephthalate thermoform plastic containers, by weight, that are sold, offered for sale, or distributed in or into Washington by the producer effective:

(a) For packaging for consumable goods:

(i) Products manufactured between January 1, 2031, through December 31, 2035: No less than 10 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2036: No less than 30 percent postconsumer recycled content plastic by weight.

(b) For packaging for consumable goods in direct contact with food or edible products:

(i) Products manufactured between January 1, 2035, through December 31, 2039: No less than 10 percent postconsumer recycled content plastic by weight; and

(ii) Products manufactured on and after January 1, 2040: No less than 30 percent postconsumer recycled content plastic by weight.

(c)(i) Except as provided in (c)(ii) of this subsection, for packaging used for durable goods: On and after January 1, 2034, no less than 30 percent postconsumer recycled content plastic by weight.

(ii) Packaging designed to accompany a durable good where that durable good model is designed prior to the effective date of the requirement in (c)(i) of this subsection is exempt.

(16) The department may extend a date identified in subsection (13), (14), or (15) of this section by up to five years for all producers if the department determines there is inadequate availability of recycled material or a substantial disruption in the supply of the recycled material.

(17) The department shall suspend the requirements of subsections (13) through (15) of this section if the Washington recycling rate, as determined by the department, reaches or exceeds 65 percent.

Sec. 302. RCW 70A.245.030 and 2021 c 313 s 4 are each amended to read as follows:

(1)(a) Except as provided in (b) ((~~and (c)~~)) through (d) of this subsection, beginning April 1, 2024, each producer of covered products, individually or through a third party representing a group of producers, must provide an annual report to the department that includes the amount in pounds of virgin plastic and the amount in pounds of postconsumer recycled content by resin type used for each category of covered products that are sold, offered for sale, or distributed in or into Washington state, including the total postconsumer recycled content resins as a percentage of total weight. The report must be submitted in a format and manner prescribed by the department. A manufacturer may submit national data allocated on a per capita basis for Washington to approximate the information required in this subsection if the producer or third-party representative demonstrates to the department that state level data are not available or feasible to generate.

(b) The requirements of (a) of this subsection apply to household cleaning and personal care products in plastic containers beginning April 1, 2026.

(c) The requirements of (a) of this subsection apply to wine in 187 milliliter plastic beverage containers and dairy milk in plastic beverage containers beginning April 1, 2029.

(d) The requirements of (a) of this subsection apply to:

(i) Polypropylene tubs and polyethylene terephthalate thermoform plastic containers for consumable goods beginning April 1, 2032;

(ii) Polypropylene single-use plastic cups beginning April 1, 2033;

(iii) Polyethylene terephthalate and polystyrene single-use plastic cups and polyethylene terephthalate thermoform plastic container packaging used for durable goods beginning January 1, 2035; and

(iv) Polypropylene tubs in direct contact with food and polyethylene terephthalate thermoform plastic container packaging for consumable goods in direct contact with food or edible products beginning April 1, 2036.

(e) The department must post the information reported under this subsection on its website, except as provided in subsection (2) of this section.

(2) A producer that submits information or records to the department under this chapter may request that the information or records be made available only for the confidential use of the department, the director, or the appropriate division of the department. The director of the department must give consideration to the request and if this action is not detrimental to the public interest and is otherwise in accordance with the policies and purposes of chapter 43.21A RCW, the director must grant the request for the information to remain confidential as authorized in RCW 43.21A.160.

NEW SECTION. **Sec. 303.** A new section is added to chapter 70A.245 RCW to read as follows:

REQUEST FOR WAIVER.

(1)(a) A producer may pay a $1,000 waiver fee, unless exempt from the postconsumer recycled content requirements of RCW 70A.245.020 (13), (14), or (15), and apply to the department for a waiver from the postconsumer recycled content requirements established pursuant to RCW 70A.245.020 (13), (14), or (15). De minimis producers that apply for a waiver under this subsection are not subject to the fee.

(b) The department may grant a waiver pursuant to this section if the producer demonstrates, and the department finds, in writing, that any of the following are applicable:

(i) The producer cannot achieve the postconsumer recycled content requirements and remain in compliance with applicable rules and regulations adopted by the United States food and drug administration, or any other state or federal law, rule, or regulation;

(ii) It is not technically feasible for the producer to achieve the postconsumer recycled content requirements; or

(iii) The producer cannot comply with the postconsumer recycled content requirements due to inadequate availability of recycled material or a substantial disruption in the supply of recycled material.

(2) Fees paid under this section must be deposited in the recycled content account created in RCW 70A.245.110.

NEW SECTION. **Sec. 304.** A new section is added to chapter 70A.245 RCW to read as follows:

DEPARTMENT'S DUTIES AND LIMITATIONS.

(1) The department must ensure that any rules adopted pursuant to this chapter consider guidelines, and not conflict with regulations, issued by the United States food and drug administration and the United States department of agriculture and consider requirements imposed by other Washington state agencies including, but not limited to, the department of agriculture.

(2) The department may not impose any requirement including, but not limited to, a postconsumer recycled content requirement, in direct conflict with a federal law or regulation or the requirements necessary to comply with a federal law or regulation including, but not limited to:

(a) Laws or regulations covering tamper-evident packaging pursuant to 21 C.F.R. Sec. 211.132;

(b) Laws or regulations covering child-resistant packaging pursuant to 16 C.F.R. Sec. 1700.1 et seq.;

(c) Regulations, rules, or guidelines issued by the United States department of agriculture or the United States food and drug administration related to packaging agricultural commodities;

and

(d) Requirements for microbial contamination, structural integrity, or safety of packaging where no viable recyclable or compostable packaging that can meet the requirements exists, pursuant to: (i) The federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.); (ii) 21 U.S.C. Sec. 2101 et seq.; (iii) the federal food and drug administration food safety modernization act (21 U.S.C. Sec. 2201 et seq.); (iv) the federal poultry products inspection act (21 U.S.C. Sec. 451 et seq.); (v) the federal meat inspection act (21 U.S.C. Sec. 601 et seq.); or (vi) the federal egg products inspection act (21 U.S.C. Sec. 1031 et seq.).

(3) The department may not impose any requirement including, but not limited to, a postconsumer recycled content requirement, on medical devices, drugs, or dietary supplements as defined in 21 U.S.C. Sec. 321 et seq.

Sec. 305. RCW 70A.245.010 and 2021 c 313 s 2 are each amended to read as follows:

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

(1)(a) "Beverage" means ((~~beverages identified in (a) through (f) of this subsection,~~)) liquid products intended for human or animal consumption, and in a quantity more than or equal to two fluid ounces and less than or equal to one gallon:

(((~~(a)~~))) (i) Water and flavored water;

(((~~(b)~~))) (ii) Beer or other malt beverages;

(((~~(c)~~))) (iii) Wine;

(((~~(d)~~))) (iv) Distilled spirits;

(((~~(e)~~))) (v) Mineral water, soda water, and similar carbonated soft drinks; ((~~and~~

~~(f) Any beverage other than those specified in (a) through (e) of this subsection, except~~)) (vi) Dairy milk; and

(vii) Any other beverage identified by the department by rule.

(b) Beverage does not include infant formula as defined in 21 U.S.C. Sec. 321(z), medical food as defined in 21 U.S.C. Sec. 360ee(b)(3), or fortified oral nutritional supplements used for persons who require supplemental or sole source nutrition to meet nutritional needs due to special dietary needs directly related to cancer, chronic kidney disease, diabetes, malnutrition, and failure to thrive, as those terms are defined by the international classification of diseases, 10th revision, or other medical conditions as determined by the department.

(c) For any multilateral beverage container qualifying under this chapter, postconsumer recycled content requirements only apply to the weight of the plastic components of the container, not overall container weight.

(2) "Beverage manufacturing industry" means an association that represents beverage producers.

(3) "Condiment packaging" means packaging used to deliver single-serving condiments to customers. Condiment packaging includes, but is not limited to, single-serving packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly, jam, and soy sauce.

(4)(a) "Covered product" means an item in one of the following categories subject to minimum postconsumer recycled content requirements:

(i) Plastic trash bags;

(ii) Household cleaning and personal care products that use plastic household cleaning and personal care product containers; ((~~and~~))

(iii) Beverages that use plastic beverage containers;

(iv) Plastic tubs;

(v) Thermoform plastic polyethylene terephthalate containers; and

(vi) Single-use polypropylene, polyethylene terephthalate, or polystyrene cups.

(b) "Covered product" does not include any type of container or bag for which the state is preempted from regulating content of the container material or bag material under federal law.

(5) "Dairy milk" means a beverage that designates milk as the predominant (first) ingredient in the ingredient list on the container's label.

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

(7) "Expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene).

(8) "Food service business" means a business selling or providing food for consumption on or off the premises, and includes full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, home delivery services, delivery services provided through an online application, and business or institutional cafeterias.

(9) "Food service product" means a product intended for one-time use and used for food or drink offered for sale or use. Food service products include, but are not limited to, containers, plates, bowls, cups, lids, beverage containers, meat trays, deli rounds, utensils, sachets, straws, condiment packaging, clamshells and other hinged or lidded containers, wrap, and portion cups.

(10) "Household cleaning and personal care product" means any of the following:

(a) Laundry detergents, softeners, and stain removers;

(b) Household cleaning products;

(c) Liquid soap;

(d) Shampoo, conditioner, styling sprays and gels, and other hair care products; or

(e) Lotion, moisturizer, facial toner, and other skin care products.

(11) "Household cleaning and personal care product manufacturing industry" means an association that represents companies that manufacture household cleaning products and personal care products.

(12) "Licensee" means a manufacturer of a covered product or entity who licenses a brand and manufactures a covered product under that brand. A franchisee is not a licensee unless a franchisee meets the requirements of a licensee under this subsection.

(13) "Oral nutritional supplement" means a manufactured liquid, powder capable of being reconstituted, or solid product that contains a combination of carbohydrates, proteins, fats, fiber, vitamins, and minerals intended to supplement a portion of a patient's nutrition intake.

(14)(a) "Plastic beverage container" means a bottle or other rigid container that is capable of maintaining its shape when empty, comprised solely of one or multiple plastic resins designed to contain a beverage.

(b) Plastic beverage container does not include:

(((~~(a)~~))) (i) Refillable beverage containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse;

(((~~(b)~~))) (ii) Rigid plastic containers or plastic bottles that are or are used for medical devices, medical products that are required to be sterile, nonprescription and prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(((~~(c)~~))) (iii) Bladders or pouches that contain wine; or

(((~~(d)~~))) (iv) Liners, caps, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container; and

(c) Other products subject to minimum postconsumer recycled content requirements.

(15)(a) "Plastic household cleaning ((~~and~~)) container or personal care product container" means a bottle, jug, or other rigid container ((~~with a neck or mouth narrower than the base, and~~)):

(i) ((~~A~~)) With a minimum capacity of eight fluid ounces or its equivalent volume;

(ii) ((~~A~~)) With a maximum capacity of five fluid gallons or its equivalent volume;

(iii) That is capable of maintaining its shape when empty;

(iv) Comprised solely of one or multiple plastic resins; and

(v) Containing a household cleaning or personal care product.

(b) "Plastic household cleaning ((~~and~~)) product container or personal care product container" does not include:

(i) Refillable household cleaning ((~~and~~)) product containers or personal care product containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse; ((~~and~~))

(ii) Rigid plastic containers or plastic bottles that are medical devices, medical products that are required to be sterile, and nonprescription and prescription drugs, dietary supplements as defined in RCW 82.08.0293, and packaging used for those products;

(iii) Other covered products subject to minimum postconsumer recycled content requirements; or

(iv) Liners, corks, closures, labels, and other items added externally or internally but otherwise separate from the structure of the bottle or container.

(16) "Plastic trash bag" means a bag that is made of noncompostable plastic, is at least 0.70 mils thick, and is designed and manufactured for use as a container to hold, store, or transport materials to be discarded or recycled, and includes, but is not limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner bag, kitchen bag, or compactor bag. "Plastic trash bag" does not include any compostable bags meeting the requirements of chapter 70A.455 RCW. "Plastic trash bag" does not include any reusable plastic carryout bag meeting the requirements of RCW 70A.530.020(6)(b).

(17) "Plastic trash bag manufacturing industry" means an association that represents companies that manufacture plastic trash bags.

(18) "Postconsumer recycled content" means the content of a covered product made of recycled materials derived specifically from recycled material generated by households or by commercial, industrial, and institutional facilities in their role as end users of a product that can no longer be used for its intended purpose. "Postconsumer recycled content" includes returns of material from the distribution chain.

(19)(a) "Producer" means the following person responsible for compliance with minimum postconsumer recycled content requirements under this chapter for a covered product sold, offered for sale, or distributed in or into this state:

(i) If the covered product is sold ((~~under~~)) with the manufacturer's own brand or lacks identification of a brand, the producer is the person who manufactures the covered product;

(ii) If the covered product is manufactured by a person other than the brand owner, the producer is the person who is the licensee of a brand or trademark under which a covered product is sold, offered for sale, or distributed in or into this state, whether or not the trademark is registered in this state, unless the manufacturer or brand owner of the covered product has agreed to accept responsibility under this chapter; or

(iii) If there is no person described in (a)(i) and (ii) of this subsection over whom the state can constitutionally exercise jurisdiction, the producer is the person who imports or distributes the covered product in or into the state.

(b) A person is the "producer" of a covered product sold, offered for sale, or distributed in or into this state, as defined in (a)(i) through (iii) of this subsection, except where another person has mutually signed an agreement with a producer as defined in (a)(i) through (iii) of this subsection that contractually assigns responsibility to the person as the producer, and the person has joined a registered producer responsibility organization as the responsible producer for that covered product under this chapter.

(c) "Producer" does not include:

(i) Government agencies, municipalities, or other political subdivisions of the state;

(ii) Registered 501(c)(3) charitable organizations and 501(c)(4) social welfare organizations; ((~~or~~))

(iii) De minimis producers that annually sell, offer for sale, distribute, or import in or into the country for sale in Washington((~~:~~

~~(A) Less~~)) less than one ton of a single category of plastic beverage containers, plastic household cleaning and personal care containers, or plastic trash bags each year; or

(((~~(B) A single category of a covered product that in aggregate generates less than $1,000,000 each year in revenue~~)) (iv) De minimis producers that have global gross revenue of less than $5,000,000 for the most recent fiscal year of the organization. The department shall calculate an adjusted rate to maintain the small business exemption by the rate of inflation. The adjusted rate must be calculated to the nearest cent using the consumer price index. Each adjusted rate calculated under this subsection takes effect on the following January 1st.

(20)(a) "Retail establishment" means any person, corporation, partnership, business, facility, vendor, organization, or individual that sells or provides merchandise, goods, or materials directly to a customer.

(b) "Retail establishment" includes, but is not limited to, food service businesses, grocery stores, department stores, hardware stores, home delivery services, pharmacies, liquor stores, restaurants, catering trucks, convenience stores, or other retail stores or vendors, including temporary stores or vendors at farmers markets, street fairs, and festivals.

(21)(a) "Utensil" means a product designed to be used by a consumer to facilitate the consumption of food or beverages, including knives, forks, spoons, cocktail picks, chopsticks, splash sticks, and stirrers.

(b) "Utensil" does not include plates, bowls, cups, and other products used to contain food or beverages.

(22) "Brand" means a name, symbol, word, logo, or mark that identifies a product and attributes the product and its components, including packaging, to the brand owner of the product as the producer.

(23) "Durable good" means a product that provides utility over an extended period of time.

(24) "Entity" means an individual and any form of business enterprise. For purposes of calculating the de minimis producer thresholds under this chapter, a producer entity includes all legal entities that are affiliated by common ownership of 50 percent or greater, including parents, subsidiaries, and commonly owned affiliates.

(25)(a) "Polyethylene terephthalate thermoform plastic container" means a clear or colored plastic container, such as a clamshell, lid, tray, egg carton, trifold, or similar rigid, nonbottle packaging, formed from sheets of extruded polyethylene terephthalate resin and used to package consumable or durable goods that reach consumers, including:

(i) Branded and prepackaged containers that have been filled with products and sealed prior to receipt by the retail establishment, such as fresh produce, baked goods, nuts, toys,

electronics, and tools;

(ii) Containers that may be filled at the point-of-sale at a retail establishment;

(iii) Unfilled containers that are sold directly;

(iv) Hinged plastic containers, commonly known as "clamshells" or "blister packaging";

(v) Two-piece unhinged containers;

(vi) One-piece containers without lids, such as trays; and

(vii) Trifold or tent containers with one or more hinges and a flat bottom.

(b) "Polyethylene terephthalate thermoform plastic container" does not include:

(i) Household cleaning products or personal care products;

(ii) Polypropylene plastic tubs;

(iii) Refillable containers, such as containers that are sufficiently durable for multiple rotations of their original or similar purpose and are intended to function in a system of reuse;

(iv) A lid or seal of a different material type from plastic;

(v) A refillable polyethylene terephthalate thermoform plastic container that ordinarily would be returned to the manufacturer to be refilled and resold;

(vi) Plastic containers that are or are used for medical devices, medical products that are required to be sterile, prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(vii) Other covered products subject to minimum postconsumer recycled content requirements under this chapter; and

(viii) Polyethylene terephthalate thermoform plastic containers accompanying a durable good when the durable good model, and the associated packaging, was designed prior to January 1, 2028.

(26)(a) "Polypropylene plastic tub" means a wide mouth, rigid container used to package consumable or durable goods that reach consumers, with a maximum capacity of 50 ounces, that is:

(i) Capable of maintaining its shape when empty;

(ii) Comprised solely of polypropylene; and

(iii) Sealed with tamper-proof film or a detachable lid capable of multiple openings and closures.

(b) "Polypropylene plastic tub" does not include:

(i) Household cleaning and personal care products;

(ii) Plastic containers that are or are used for medical devices, medical products that are required to be sterile, nonprescription and prescription drugs, or dietary supplements as defined in RCW 82.08.0293;

(iii) Polyethylene terephthalate thermoform plastic containers;

(iv) Single-use plastic cups made of polypropylene, polyethylene terephthalate, or polystyrene; and

(v) Other covered products subject to minimum postconsumer recycled content requirements.

(27)(a) "Single-use plastic cup" means all beverage cups that are nonsealed or sealed at point-of-sale.

(b) Single-use plastic cups do not include: (i) Commercially or home compostable cups; (ii) expanded polystyrene cups; (iii) composite plastic-lined fiber cups; or (iv) other covered products subject to minimum postconsumer recycled content requirements.

PART 4
MISCELLANEOUS

Sec. 401. RCW 81.77.195 and 2010 c 154 s 4 are each amended to read as follows:

(1) Upon ((~~request of~~)) its own motion, or upon request by a solid waste collection company or a county, the commission may approve rates, charges, or services at a discount for low-income senior customers and low-income customers((~~, as adopted by the county in its comprehensive solid waste management plan~~)). Expenses and lost revenues as a result of these discounts must be included in the company's cost of service and recovered in rates to other customers.

(2) In order to remove barriers and to expedite assistance, low-income discounts approved under this section must be provided in coordination with community-based organizations in the solid waste collection company's service territory including, but not limited to, city and county government, grantees of the department of commerce, community action agencies, and community-based nonprofit organizations. Nothing in this section may be construed as limiting the commission's authority to approve or modify tariffs authorizing low-income discounts.

(3) Eligibility for a low-income discount rate established in this section must be established upon verification of a low-income customer's receipt of any means-tested public benefit by an organization identified in subsection (2) of this section, for which eligibility does not exceed the low-income definition set by the commission pursuant to RCW 19.405.020. The public benefits may include, but are not limited to, assistance that provides cash, housing, food, or medical care including, but not limited to, temporary assistance for needy families, supplemental security income, emergency assistance to elders, disabled, and children, supplemental nutrition assistance program benefits, public housing, federally subsidized or state-subsidized housing, the low-income home energy assistance program, veterans' benefits, and similar benefits.

(4) Each solid waste collection company that offers a low-income discount shall conduct outreach efforts to make the low-income discounts available to eligible customers. Such outreach:

(a) Must be made at least biannually to inform customers of available rebates, discounts, credits, and other cost-saving mechanisms that can help them lower their monthly bills for solid waste collection service; and

(b) May be in the form of any customary and usual methods of communication or distribution including, without limitation, widely broadcast communications with customers, direct mailing, telephone calls, electronic communications, social media postings, in-person contacts, websites of the solid waste collection company, press releases, and print and electronic media, that are designed to increase access to and participation in bill assistance programs.

(5) Outreach may include establishing an automated program of matching customer accounts with lists of recipients of the means-tested public benefit programs and, based on the results of the matching program, to presumptively offer a low-income discount rate to eligible customers so identified. However, the solid waste collection company must within 60 days of the presumptive enrollment inform such a low-income customer of the presumptive enrollment and all rights and obligations of a customer under the program, including the right to withdraw from the program without penalty.

(6) A residential customer eligible for a low-income discount rate must receive the service on demand.

(7) A residential customer may not be charged for initiating or terminating low-income discount rates.

(8) A solid waste collection company is not required to make eligibility determinations for low-income rates.

(9) The commission may adopt rules or guidance to administer and determine eligibility for discounts for low-income customers.

(10) For the purposes of this subsection, "low-income" has the same meaning as defined in RCW 19.405.020.

Sec. 402. RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and 2024 c 339 s 16 are each reenacted and amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, the air pollution control boards or authorities as established pursuant to chapter 70A.15 RCW, local health departments, the department of natural

resources, the department of fish and wildlife, the parks and recreation commission, and authorized public entities described in chapter 79.100 RCW:

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020, 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 70A.565.030, section 207 of this act, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530, 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070, 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020, 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, a decision to approve or deny a solid waste management plan under RCW 70A.205.055, approval or denial of an application for a beneficial use determination under RCW 70A.205.260, an application for a change under RCW 90.03.383, or a permit to distribute reclaimed water under RCW 90.46.220.

(d) Decisions of local health departments regarding the granting or denial of solid waste permits pursuant to chapter 70A.205 RCW, including appeals by the department as provided in RCW 70A.205.130.

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

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026 as provided in RCW 90.64.028.

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

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

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

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

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

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

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

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

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

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW, except where appeals to the pollution control hearings board and appeals to the shorelines hearings board have been consolidated pursuant to RCW 43.21B.340.

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

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

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

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

NEW SECTION. **Sec. 403.** Sections 201 through 208 of this act constitute a new chapter in Title 70A RCW.

NEW SECTION. **Sec. 404.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "outcomes;" strike the remainder of the title and insert "amending RCW 70A.245.020, 70A.245.030, 70A.245.010, and 81.77.195; reenacting and amending RCW 43.21B.110; adding new sections to chapter 70A.245 RCW; adding a new chapter to Title 70A RCW; creating a new section; and prescribing penalties."

Senator Boehnke spoke in favor of adoption of the striking amendment.

Senator Lovelett spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0146 by Senator Boehnke to Second Substitute Senate Bill No. 5284.

The motion by Senator Boehnke did not carry and striking floor amendment no. 0146 was not adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5284 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Lovelett, Liias and Shewmake spoke in favor of passage of the bill.

Senators Boehnke, Fortunato, Harris, Christian and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5284.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5284 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Liias, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Shewmake, Slatter, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Chapman, Christian, Cortes, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, Krishnadasan, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5284, 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. 5587, by Senators Cleveland, Nobles, and Orwall

Concerning affordable housing development in counties not closing the gap between estimated existing housing units within the county and existing housing needs.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5587 was substituted for Senate Bill No. 5587 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5587, by Senate Committee on Housing (originally sponsored by Cleveland, Nobles, and Orwall)

Concerning affordable housing development in counties not closing the gap between estimated existing housing units within the county and existing housing needs.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute Senate Bill No. 5587 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Cleveland and Goehner spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5587.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5587 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5587, 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. 5009, by Senators Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick, and Wilson, J.

Modifying the student transportation allocation to accommodate multiple vehicle types for transporting students.

MOTION

On motion of Senator Braun, Substitute Senate Bill No. 5009 was substituted for Senate Bill No. 5009 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5009, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Braun, Wellman, Bateman, Christian, Conway, Cortes, Dozier, Gildon, Harris, King, Krishnadasan, Lovelett, Nobles, Schoesler, Shewmake, Short, Slatter, Wagoner, Warnick, and Wilson, J.)

Revised for 1st Substitute: Accommodating multiple vehicle types for transporting students.

The measure was read the second time.

MOTION

Senator Braun moved that the following floor amendment no. 0147 by Senator Braun be adopted:

On page 1, line 15, after "transportation" insert ", except as provided in RCW 28A.160.195"

On page 4, beginning on line 29, after "(3)(b)" strike all material through "apply" on line 30 and insert "applies"

Senators Braun and Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0147 by Senator Braun on page 1, line 15 to Substitute Senate Bill No. 5009.

The motion by Senator Braun carried and floor amendment no. 0147 was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5009 was advanced to third reading, the second reading considered the third and the bill was

placed on final passage.

Senators Braun and Wellman spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5009.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5009 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5009, 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.

Senator Hasegawa announced a meeting of the Democratic Caucus at 12:30 p.m.

Senator Warnick announced a meeting of the Republican Caucus immediately.

MOTION

At 11:57 a.m., on motion of Senator Riccelli, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 1:31 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5328, by Senators Lovick, Dozier, and Nobles

Establishing a new chapter for the licensing and regulation of businesses providing earned wage access services.

MOTION

Senator Lovick moved that Substitute Senate Bill No. 5328 be substituted for Senate Bill No. 5328 and the substitute bill take its place on the second reading calendar and be read the second time.

Senator Short objected to the motion my Senator Lovick.

Senator Lovick spoke on adoption of the motion.

Senator Short spoke against the adoption of the motion.

The President declared the question before the Senate to be the adoption of the motion my Senator Lovick that Substitute Senate Bill No. 5328 be substituted for Senate Bill No. 5328 and the substitute bill take its place on the second reading calendar.

The motion by Senator Lovick carried and the substitute bill was substituted.

MOTION

On motion of Senator Lovick, the rules were suspended, Substitute Senate Bill No. 5328 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.

Senator Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5328.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5328 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Cleveland, Conway, Cortes, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Krishnadasan, Liias, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Shewmake, Slatter, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Chapman, Christian, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5328, 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. 5543, by Senators Boehnke, Slatter, Hasegawa, Nobles, Ramos, Valdez, and Wilson, C.

Providing equity in eligibility for the college bound scholarship.

The measure was read the second time.

MOTION

On motion of Senator Boehnke, the rules were suspended, Senate Bill No. 5543 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Boehnke and Nobles 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. 5543.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5543 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Hasegawa, Holy, Kauffman, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

SENATE BILL NO. 5543, 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. 5721, by Senators Stanford, Valdez, Hasegawa, Riccelli, Alvarado, Nobles, Orwall, Slatter, Trudeau, and Wellman

Enhancing consumer protections for automobile insurance coverage.

The measure was read the second time.

MOTION

Senator Stanford moved that the following striking floor amendment no. 0134 by Senator Stanford be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 48.18 RCW to read as follows:

(1) Every automobile insurance policy that includes first-party coverage for physical damage issued or renewed effective on or after January 1, 2026, must include a provision for the right to an appraisal to resolve disputes between the insurer and the insured regarding the actual cash value and amount of loss on the damaged automobile. The appraisal clause must include the following language, or corresponding language that the insurer certifies is at least as favorable to the insured:

"If . . . (the insurance company) . . . and . . . (the policyholder) . . . are unable to agree as to the amount of loss, either party may make a written demand for an appraisal, and within 10 days each party shall select a competent and disinterested appraiser and notify the other party of its selection.

The appraisers shall then each appraise the actual cash value and the amount of loss, make separate findings regarding the amount of loss for each element of loss, and exchange their completed appraisals. If the appraisers are unable to agree on the losses, the selected appraisers shall appoint a competent and disinterested umpire and submit their differences to the umpire. If the appraisers do not appoint a competent and disinterested umpire within 15 days, either appraiser may notify the commissioner, and the commissioner shall identify a registered competent and disinterested umpire that will be used according to the process that the commissioner specifies by rule.

The appraisers must make their appraisals within 30 calendar days of selection. If an appraiser needs more than 30 days, the appraiser shall provide a reasonable basis to the other appraiser before 25 days has passed. The appraiser must document the reason or reasons for the extension in their file.

The amount of loss must be determined either by agreement of the appraisers or by agreement of one appraiser and the umpire.

Each party is responsible for their appraisal expenses, and each party is equally responsible for the cost of the umpire.

If the amount of loss determined through the appraisal process is greater than the amount of loss . . . (the insurance company) . . . adjusted before the appraisal process was invoked by an amount of $500 or more, . . . (the insurance company) . . . will reimburse . . . (the policyholder) . . . for the costs incurred for the appraisal process.

The appraisal process costs include reasonable appraiser professional charges, reasonable attorneys' fees, and other necessary actual costs."

(2) Neither party may demand an appraisal until 10 days after the insurer receives notification of the claim.

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

(a) "Appraiser" means a person selected by the insurer or the insured to place a value on or estimate the amount of loss under an appraisal clause in an insurance contract;

(b) "Competent" means the person has subject matter expertise, relevant training, and experience to make decisions and valuations relating to the amount of loss;

(c) "Disinterested" means the person does not have a direct financial interest in the outcome of the appraisal process; and

(d) "Umpire" means a person selected by the appraisers representing the insurer and the insured, or, if the appraisers cannot agree, by the commissioner, who is charged with resolving issues that the appraisers are unable to agree upon during the course of an appraisal.

(4) The commissioner may adopt rules as necessary to implement this section."

On page 1, line 2 of the title, after "coverage;" strike the remainder of the title and insert "and adding a new section to chapter 48.18 RCW."

Senator Stanford spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0134 by Senator Stanford to Senate Bill No. 5721.

The motion by Senator Stanford carried and striking floor amendment no. 0134 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Senate Bill No. 5721 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Stanford spoke in favor of passage of the bill.

Senator Dozier spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5721.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5721 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Cleveland, Conway, Cortes, Dhingra, Frame, Hansen, Hasegawa, Holy, Kauffman, Krishnadasan, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Shewmake, Slatter, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Chapman, Christian, Dozier, Fortunato, Gildon, Goehner, Harris, King, Liias, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

ENGROSSED SENATE BILL NO. 5721, 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. 5686, by Senators Orwall, Frame, Hasegawa, and Nobles

Expanding and funding the foreclosure mediation program.

MOTIONS

On motion of Senator Orwall, Second Substitute Senate Bill No. 5686 was substituted for Senate Bill No. 5686 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5686, by Senate Committee on Ways & Means (originally sponsored by Orwall, Frame, Hasegawa, and Nobles)

Expanding and funding the foreclosure mediation program.

The measure was read the second time.

MOTION

Senator Orwall moved that the following striking floor amendment no. 0152 by Senator Orwall be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 61.24.005 and 2021 c 151 s 2 are each amended to read as follows:

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

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied for common expenses, fines or fees levied or imposed by the association pursuant to chapters 64.32, 64.34, 64.38, and 64.90 RCW or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(3) "Association" means an association subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW.

(4) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(((~~(3)~~))) (5) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(((~~(4)~~))) (6) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(((~~(5)~~))) (7) "Department" means the department of commerce or its designee.

(((~~(6)~~))) (8) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(((~~(7)~~))) (9) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(((~~(8)~~))) (10) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(((~~(9)~~))) (11) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(((~~(10)~~))) (12) "Notice of delinquency" means a notice of delinquency as that phrase is used in chapters 64.32, 64.34, 64.38, and 64.90 RCW.

(13) "Owner-occupied" means property that is the principal residence of the borrower.

(((~~(11)~~))) (14) "Person" means any natural person, or legal or governmental entity.

(((~~(12)~~))) (15) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(((~~(13)~~))) (16) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, residential real property includes residential real property of up to four units.

(((~~(14)~~))) (17) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(((~~(15)~~))) (18) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(((~~(16)~~))) (19) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(((~~(17)~~))) (20) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

(21) "Unit owner" means an owner of an apartment, unit, or lot in an association subject to chapter 64.32, 64.34, 64.38, or 64.90 RCW.

NEW SECTION. **Sec. 2.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A unit owner who is or may become delinquent to an association for an assessment charged may contact a housing counselor to receive housing counseling services.

(2) Housing counselors have a duty to act in good faith to assist unit owners by:

(a) Preparing the unit owner for meetings with the association;

(b) Advising the unit owner about what documents the unit owner must have to seek a modification or other resolution of an assessment charged or may be charged in the future by the association;

(c) Informing the unit owner about the alternatives to foreclosure, including modification or other possible resolutions of an assessment charged or may be charged in the future by the association; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) Nothing in RCW 64.32.200, 64.34.364, 64.38.100, 64.90.485, or this section precludes a meeting or negotiations

between the housing counselor, unit owner, and the association at any time, including after the issuance of a notice of delinquency by the association for past due assessments to the unit owner by the association.

(4) A unit owner who seeks the assistance of a housing counselor may use the assistance of an attorney at any time.

(5) A housing counselor or attorney assisting a unit owner may refer the unit owner to mediation, pursuant to RCW 61.24.163. Prior to referring the unit owner to mediation, the housing counselor or attorney shall cause the unit owner and association to meet and confer over the assessment charged, and following this meet and confer shall determine whether mediation is appropriate based on the individual circumstances. The meet and confer should occur within 30 days of the unit owner contacting the housing counselor or attorney for assistance. The meet and confer may be done by telephone or videoconferencing. For the meet and confer, the unit owner and the association shall be responsible for their own respective attorney fees, if any, incurred; however, legal representation is not required for either party participating in the meet and confer. If the association refuses to participate in the meet and confer then the unit owner can request within 30 days of the association's refusal that the housing counselor refer the matter to mediation.

(6) During the 30 day time period between the unit owner contacting the housing counselor and the meet and confer session with the association, the association is prohibited from charging to the unit owner any attorney fees the association may have incurred attempting to collect the past due assessment.

(7) The referral to mediation may be made at any time but no later than 90 days prior to the date of sale listed in a notice of trustee's sale provided to the unit owner. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the unit owner may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(8) Housing counselors providing assistance to borrowers under this section are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(9) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(22). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

Sec. 3. RCW 61.24.163 and 2023 c 206 s 5 are each amended to read as follows:

(1) The foreclosure mediation program established in this section applies only to borrowers or unit owners who have been referred to mediation by a housing counselor or attorney. The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.

(2) For deed of trust foreclosure, the referral to mediation may be made any time after a notice of default has been issued but no later than 90 days prior to the date of sale listed in the notice of trustee's sale. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the borrower may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale. If the borrower has failed to elect to mediate within the applicable time frame, the borrower and the beneficiary may, but are under no duty to, agree in writing to enter the foreclosure mediation program. ((~~The mediation program under this section is not governed by chapter 7.07 RCW and does not preclude mediation required by a court or other provision of law.~~

~~(2)~~)) (3) For association foreclosures, the referral to mediation may be made any time but no later than the date of sale specified in section 2(7) of this act. If the unit owner has failed to elect to mediate within the applicable time frame, the unit owner and the association may, but are under no duty to, agree in writing to enter the foreclosure mediation program.

(4) A housing counselor or attorney referring a borrower or unit owner to mediation shall send a notice to the borrower or unit owner and the department, stating that mediation is appropriate.

(((~~(3)~~))) (5) Within 10 days of receiving the notice, the department shall:

(a) Send a notice to the beneficiary or association, the borrower or unit owner, the housing counselor or attorney who referred the borrower, and the trustee stating that the parties have been referred to mediation. The notice must include the statements and list of documents and information described in subsections (((~~(4)~~))) (6) and (((~~(5)~~))) (7) of this section and a statement explaining each party's responsibility to pay the mediator's fee; and

(b) Select a mediator and notify the parties of the selection.

(((~~(4) Within~~))) (6) For deed of trust foreclosures:

(a) Within 23 days of the department's notice that the parties have been referred to mediation, the borrower shall transmit the documents required for mediation to the mediator and the beneficiary. The required documents include an initial homeowner financial information worksheet as required by the department. The worksheet must include, at a minimum, the following information:

(((~~(a)~~))) (i) The borrower's current and future income;

(((~~(b)~~))) (ii) Debts and obligations;

(((~~(c)~~))) (iii) Assets;

(((~~(d)~~))) (iv) Expenses;

(((~~(e)~~))) (v) Tax returns for the previous two years;

(((~~(f)~~))) (vi) Hardship information;

(((~~(g)~~))) (vii) Other applicable information commonly required by any applicable federal mortgage relief program.

(((~~(5)~~))) (b) Within 20 days of the beneficiary's receipt of the borrower's documents under this subsection, the beneficiary shall transmit the documents required for mediation to the mediator and the borrower. The required documents include:

(((~~(a)~~))) (i) An accurate statement containing the balance of the loan within 30 days of the date on which the beneficiary's documents are due to the parties;

(((~~(b)~~))) (ii) Copies of the note and deed of trust;

(((~~(c)~~))) (iii) Proof that the entity claiming to be the beneficiary is the owner of any promissory note or obligation secured by the deed of trust. Sufficient proof may be a copy of the declaration described in RCW 61.24.030(7)(a);

(((~~(d)~~))) (iv) The best estimate of any arrearage and an itemized statement of the arrearages;

(((~~(e)~~))) (v) An itemized list of the best estimate of fees and charges outstanding;

(((~~(f)~~))) (vi) The payment history and schedule for the preceding twelve months, or since default, whichever is longer, including a breakdown of all fees and charges claimed;

(((~~(g)~~))) (vii) All borrower-related and mortgage-related input data used in any net present values analysis. If no net present values analysis is required by the applicable federal mortgage relief program, then the input data required under the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide, or if that calculation becomes unavailable, substantially similar input data as determined by the department;

(((~~(h)~~))) (viii) An explanation regarding any denial for a loan modification, forbearance, or other alternative to foreclosure in

sufficient detail for a reasonable person to understand why the decision was made;

((~~(i)~~)) (ix) Appraisal or other broker price opinion most recently relied upon by the beneficiary not more than 90 days old at the time of the scheduled mediation; and

((~~(j)~~)) (x) The portion or excerpt of the pooling and servicing agreement or other investor restriction that prohibits the beneficiary from implementing a modification, if the beneficiary claims it cannot implement a modification due to limitations in a pooling and servicing agreement or other investor restriction, and documentation or a statement detailing the efforts of the beneficiary to obtain a waiver of the pooling and servicing agreement or other investor restriction provisions.

((~~(6)~~)) (7) For association foreclosures:

(a) Within 23 days of the department's notice that the parties have been referred to mediation, the association shall transmit the documents required for mediation to the mediator and the unit owner. The required documents include:

(i) An itemized ledger for the preceding 12 months, or since the assessments became past due, whichever is longer. The ledger shall include an itemized list of all dues, fines, special assessments, and any other charges owed, with the date and amount for each item. The ledger should include the total balance owed at the time the ledger is transmitted, accurate within 30 days of the date on which the association's documents are due to the parties;

(ii) Copy of all association liens placed against the property;

(iii) Copies of the current association declarations, bylaws, and any other governing documents for the association.

(b) Within 20 days of the unit owner's receipt of the association's documents, the unit owner shall transmit the documents required for mediation to the mediator and the association. The required documents include:

(i) Evidence of any unit owner payments to the association that are not reflected on the association ledger, if any;

(ii) Statement of hardship, if relevant;

(iii) If the unit owner is interested in a payment plan, a proposed schedule of payments to resolve the arrears.

(8) Within 70 days of receiving the referral from the department, the mediator shall convene a mediation session in the county where the property is located, unless the parties agree on another location. The parties may agree to extend the time in which to schedule the mediation session. If the parties agree to extend the time, the beneficiary or association shall notify the trustee, if applicable, of the extension and the date the mediator is expected to issue the mediator's certification.

((~~(7)~~)) (9)(a) The mediator may schedule phone conferences, consultations with the parties individually, and other communications to ensure that the parties have all the necessary information and documents to engage in a productive mediation.

(b) The mediator must send written notice of the time, date, and location of the mediation session to the borrower or unit owner, the beneficiary or association, and the department at least 30 days prior to the mediation session. At a minimum, the notice must contain:

(i) A statement that the borrower or unit owner may be represented in the mediation session by an attorney or other advocate;

(ii) A statement that a person with authority to agree to a resolution, including a proposed settlement, loan modification, modification of obligations related to the payment of assessments, or dismissal or continuation of the foreclosure proceeding, must be present either in person or on the telephone or videoconference during the mediation session; and

(iii) A statement that the parties have a duty to mediate in good faith and that failure to mediate in good faith may impair the beneficiary's or association's ability to foreclose on the property or the borrower's or unit owner's ability to modify the loan, modify obligations relating to the payment of assessments, or take advantage of other alternatives to foreclosure.

((~~(8)~~)) (10)(a) The borrower, the beneficiary or authorized agent, and the mediator must meet in person for the mediation session. In an association foreclosure the unit owner and association or authorized agent and the mediator are encouraged to meet in person for the mediation session, but may meet by telephone or videoconference. However, a person with authority to agree to a resolution on behalf of the beneficiary or association may be present over the telephone or videoconference during the mediation session.

(b) After the mediation session commences, the mediator may continue the mediation session once, and any further continuances must be with the consent of the parties.

((~~(9) The~~)) (11) For deed of trust foreclosures, the participants in mediation must address the issues of foreclosure that may enable the borrower or unit owner and the beneficiary or association to reach a resolution, including but not limited to reinstatement, modification of the loan, restructuring of the debt, modification of a delinquent assessment, modification of late fees or charges associated with a delinquent assessment, or some other workout plan. To assist the parties in addressing issues of foreclosure, the mediator may require the participants to consider the following:

(a) The borrower's or unit owner's current and future economic circumstances, including the borrower's or unit owner's current and future income, debts, and obligations for the previous 60 days or greater time period as determined by the mediator;

(b) The net present value of receiving payments pursuant to a modified mortgage loan as compared to the anticipated net recovery following foreclosure;

(c) Any affordable loan modification calculation and net present value calculation when required under any federal mortgage relief program and any modification program related to loans insured by the federal housing administration, the veterans administration, and the rural housing service. If such a calculation is not provided or required, then the beneficiary must provide the net present value data inputs established by the federal deposit insurance corporation and published in the federal deposit insurance corporation loan modification program guide or other net present value data inputs as designated by the department. The mediator may run the calculation in order for a productive mediation to occur and to comply with the mediator certification requirement; and

(d) Any other loss mitigation guidelines to loans insured by the federal housing administration, the veterans administration, and the rural housing service, if applicable.

((~~(10)~~)) (12) For association foreclosures, the participants in mediation must address the issues which led to foreclosure that may enable the unit owner and the association to reach a resolution including, but not limited to, a delinquent assessment payment plan, waiver of association imposed late fees or attorney fees, or any other workout plan.

(13) A violation of the duty to mediate in good faith as required under this section may include:

(a) Failure to timely participate in mediation without good cause;

(b) Failure of the borrower ((~~or~~)), the unit owner, the beneficiary, or the association to provide the documentation required before mediation or pursuant to the mediator's instructions;

(c) Failure of a party to designate representatives with adequate

authority to fully settle, compromise, or otherwise reach resolution with the borrower or unit owner in mediation; ((~~and~~))

(d) A request by a beneficiary that the borrower waive future claims he or she may have in connection with the deed of trust, as a condition of agreeing to a modification, except for rescission claims under the federal truth in lending act. Nothing in this section precludes a beneficiary or association from requesting that a borrower dismiss with prejudice any pending claims against the beneficiary, its agents, loan servicer, or trustee, arising from the underlying deed of trust, as a condition of modification; and

(e) A request by the association that the unit owner waive future claims against the association. Nothing in this section precludes an association from requesting that a unit owner dismiss any filed civil claims against the association related to the present delinquency.

(((~~(11)~~))) (14) If the mediator reasonably believes a borrower or unit owner will not attend a mediation session based on the borrower's or unit owner's conduct, such as the lack of response to the mediator's communications, the mediator may cancel a scheduled mediation session and send a written cancellation to the department and the trustee and send copies to the parties. The beneficiary or association may proceed with the foreclosure after receipt of the mediator's written confirmation of cancellation.

(((~~(12)~~))) (15) Within seven business days after the conclusion of the mediation session, the mediator must send a written certification to the department and the trustee and send copies to the parties of:

(a) The date, time, and location of the mediation session;

(b) The names of all persons attending in person and by telephone or videoconference, at the mediation session;

(c) Whether a resolution was reached by the parties, including whether the default or delinquency was cured by reinstatement, modification, or restructuring of the debt, or repayment plan, or some other alternative to foreclosure was agreed upon by the parties;

(d) Whether the parties participated in the mediation in good faith; and

(e) ((~~If~~)) For deed of trust foreclosures, if a written agreement was not reached, a description of any net present value test used, along with a copy of the inputs, including the result of any net present value test expressed in a dollar amount.

(((~~(13)~~))) (16) If the parties are unable to reach an agreement, the beneficiary or association may proceed with the foreclosure after receipt of the mediator's written certification.

(((~~(14)~~))) (17)(a) The mediator's certification that the beneficiary or association failed to act in good faith in mediation constitutes a defense to the nonjudicial foreclosure action that was the basis for initiating the mediation. In any action to enjoin the foreclosure, the beneficiary or association is entitled to rebut the allegation that it failed to act in good faith.

(b) The mediator's certification that the beneficiary or association failed to act in good faith during mediation does not constitute a defense to a judicial foreclosure or a future nonjudicial foreclosure action if a modification of the loan or delinquent assessment payment plan is agreed upon and the borrower subsequently defaults or unit owner fails to pay assessments.

(c) If an affordable loan modification is not offered in the mediation or a written agreement was not reached and the mediator's certification shows that the net present value of the modified loan exceeds the anticipated net recovery at foreclosure, that showing in the certification constitutes a basis for the borrower to enjoin the foreclosure.

(((~~(15)~~))) (18) The mediator's certification that the borrower or unit owner failed to act in good faith in mediation authorizes the beneficiary or association to proceed with the foreclosure.

(((~~(16)~~))) (19)(a) If a borrower or unit owner has been referred to mediation before a notice of trustee sale has been recorded, a trustee may not record the notice of sale until the trustee receives the mediator's certification stating that the mediation has been completed. If the trustee does not receive the mediator's certification, the trustee may record the notice of sale after 10 days from the date the certification to the trustee was due. If, after a notice of sale is recorded under this subsection (((~~(16)~~))) (19)(a), the mediator subsequently issues a certification finding that the beneficiary or association violated the duty of good faith, the certification constitutes a basis for the borrower or unit owner to enjoin the foreclosure.

(b) If a borrower or unit owner has been referred to mediation after the notice of sale was recorded, the sale may not occur until the trustee receives the mediator's certification stating that the mediation has been completed.

(((~~(17)~~))) (c) If a unit owner has been referred to mediation before the filing of a judicial foreclosure, the association may not file a complaint for judicial foreclosure until the association receives the mediator's certification stating that the mediation has been completed. If the association does not receive the mediator's certification, the association may file for judicial foreclosure after 10 days from the date the certification to the association was due.

(20) A mediator may charge reasonable fees as authorized by this subsection or as authorized by the department. Unless the fee is waived, the parties agree otherwise, or the department otherwise authorizes, a foreclosure mediator's fee may not exceed $400 for preparing, scheduling, and conducting a mediation session lasting between one hour and three hours. For a mediation session exceeding three hours, the foreclosure mediator may charge a reasonable fee, as authorized by the department. The mediator must provide an estimated fee before the mediation, and payment of the mediator's fee must be divided equally between the beneficiary and the borrower, or between the association and the unit owner. The beneficiary and the borrower, or the association and the unit owner, must tender the loan mediator's fee within 30 calendar days from receipt of the department's letter referring the parties to mediation or pursuant to the mediator's instructions.

(((~~(18)~~))) (21) For association foreclosures, the unit owner and the association shall be responsible for their own respective attorney fees, if any, incurred during mediation under this section. Legal representation is not required for either party participating in an association foreclosure mediation.

(22) Beginning December 1, 2012, and every year thereafter, the department shall report annually to the legislature on:

(a) The performance of the program, including the number((~~s~~)) of borrowers who are referred to mediation by a housing counselor or attorney. Beginning December 1, 2026, the report must also include the number of unit owners who are referred to mediation by a housing counselor or attorney;

(b) The results of the mediation program, including the number of mediations requested by housing counselors and attorneys, the number of certifications of good faith issued, the number of borrowers and beneficiaries who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the numbers of loans restructured or modified, the change in the borrower's monthly payment for principal and interest and the number of principal write-downs and interest rate reductions, and, to the extent practical, the number of borrowers who report a default within a year of restructuring or modification. Beginning December 1, 2026, the report must also include the number of unit owners and associations who failed to mediate in good faith, and the reasons for the failure to mediate in good faith, if known, the number of debts for delinquent assessments restructured or modified, the change in the unit owner's periodic assessment

payments including any reductions in late charges or interest rates, and, to the extent practical, the number of unit owners who report a delinquency within a year of restructuring or modification;

(c) The information received by housing counselors regarding outcomes of foreclosures; and

(d) Any recommendations for changes to the statutes regarding the mediation program.

(((~~(19)~~))) (23) This section does not apply to certain federally insured depository institutions, as specified in RCW 61.24.166.

(24) The department shall create an online common interest communities resource center to distribute information to association members, managers, and boards of directors about programs and resources. The information shall be made available in language translations that the department provides in its other programs and when the information is requested verbally the department shall use a phone-based or other similar interpretive service. The information to be provided will include, but is not limited to, the following:

(a) The housing counseling program;

(b) The meet and confer process;

(c) The foreclosure mediation program;

(d) Language translations of the notice of delinquency for past due assessments; and

(e) Any other programs and resources that the department determines are relevant.

Sec. 4. RCW 61.24.165 and 2023 c 206 s 6 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor;

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does ((~~not~~)) apply to ((~~association beneficiaries subject to chapter 64.32, 64.34, or 64.38 RCW.~~)) associations seeking to foreclose liens or deficiencies via nonjudicial or judicial foreclosure.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower or unit owner is deceased and the person is a successor in interest of the deceased borrower or unit owner. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower" or "unit owner." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

NEW SECTION. **Sec. 5.** A new section is added to chapter 61.24 RCW to read as follows:

(1) A unit owner who is or may become delinquent to an association for an assessment charged may contact a housing counselor to receive housing counseling services.

(2) Housing counselors have a duty to act in good faith to assist unit owners by:

(a) Preparing the unit owner for meetings with the association;

(b) Advising the unit owner about what documents the unit owner must have to seek a modification or other resolution of an assessment charged or may be charged in the future by the association;

(c) Informing the unit owner about the alternatives to foreclosure, including modification or other possible resolutions of an assessment charged or may be charged in the future by the association; and

(d) Providing other guidance, advice, and education as the housing counselor considers necessary.

(3) Nothing in RCW 64.90.485 or this section precludes a meeting or negotiations between the housing counselor, unit owner, and the association at any time, including after the issuance of a notice of delinquency by the association for past due assessments to the unit owner by the association.

(4) A unit owner who seeks the assistance of a housing counselor may use the assistance of an attorney at any time.

(5) A housing counselor or attorney assisting a unit owner may refer the unit owner to mediation, pursuant to RCW 61.24.163. Prior to referring the unit owner to mediation, the housing counselor or attorney shall cause the unit owner and association to meet and confer over the assessment charged, and following this meet and confer shall determine whether mediation is appropriate based on the individual circumstances. The referral to mediation may be made at any time but no later than 90 days prior to the date of sale listed in a notice of trustee's sale provided to the unit owner. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the unit owner may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(6) During the 30 day time period between the unit owner contacting the housing counselor and the meet and confer session with the association, the association is prohibited from charging to the unit owner any attorney fees the association may have incurred attempting to collect the past due assessment.

(7) The referral to mediation may be made at any time but no later than 90 days prior to the date of sale listed in a notice of trustee's sale provided to the unit owner. If an amended notice of trustee's sale is recorded after the trustee sale has been stayed pursuant to RCW 61.24.130, the unit owner may be referred to mediation no later than 25 days prior to the date of sale listed in the amended notice of trustee's sale.

(8) Housing counselors providing assistance to borrowers under this section are not liable for civil damages resulting from any acts or omissions in providing assistance, unless the acts or omissions constitute gross negligence or willful or wanton misconduct.

(9) Housing counselors shall provide information to the department to assist the department in its annual report to the legislature as required under RCW 61.24.163(22). The information provided to the department by the housing counselors should include outcomes of foreclosures and be similar to the information requested in the national foreclosure mortgage counseling client level foreclosure outcomes report form.

Sec. 6. RCW 61.24.165 and 2024 c 321 s 413 are each amended to read as follows:

(1) RCW 61.24.163 applies only to deeds of trust that are

recorded against residential real property of up to four units.

(2) RCW 61.24.163 does not apply to deeds of trust:

(a) Securing a commercial loan;

(b) Securing obligations of a grantor who is not the borrower or a guarantor;

(c) Securing a purchaser's obligations under a seller-financed sale; or

(d) Where the grantor is a partnership, corporation, or limited liability company, or where the property is vested in a partnership, corporation, or limited liability company at the time the notice of default is issued.

(3) RCW 61.24.163 does ((~~not~~)) apply to ((~~association beneficiaries subject to chapter 64.90 RCW.~~)) associations seeking to foreclose liens or deficiencies via nonjudicial or judicial foreclosure.

(4) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the borrower is deceased and the person is a successor in interest of the deceased borrower. The referring counselor or attorney must determine a person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

(5) For purposes of referral and mediation under RCW 61.24.163, a person may be referred to mediation if the person has been awarded title to the property in a proceeding for dissolution or legal separation. The referring counselor or attorney must determine the person's eligibility under this section and indicate the grounds for eligibility on the referral to mediation submitted to the department. For the purposes of mediation under RCW 61.24.163, the person must be treated as a "borrower." This subsection does not impose an affirmative duty on the beneficiary to accept an assumption of the loan.

Sec. 7. RCW 61.24.005 and 2021 c 151 s 2 are each amended to read as follows:

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

(1) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(2) "Assessment" means all sums chargeable by the association against a unit, including any assessments levied for common expenses, fines or fees levied or imposed by the association pursuant to chapter 64.90 RCW or the governing documents, interest and late charges on any delinquent account, and all costs of collection incurred by the association in connection with the collection of a delinquent owner's account, including reasonable attorneys' fees.

(3) "Association" means an association subject to chapter 64.90 RCW.

(4) "Beneficiary" means the holder of the instrument or document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(((~~(3)~~))) (5) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(((~~(4)~~))) (6) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(((~~(5)~~))) (7) "Department" means the department of commerce or its designee.

(((~~(6)~~))) (8) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(((~~(7)~~))) (9) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(((~~(8)~~))) (10) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(((~~(9)~~))) (11) "Housing counselor" means a housing counselor that has been approved by the United States department of housing and urban development or approved by the Washington state housing finance commission.

(((~~(10)~~))) (12) "Notice of delinquency" means a notice of delinquency as that phrase is used in chapter 64.90 RCW.

(13) "Owner-occupied" means property that is the principal residence of the borrower.

(((~~(11)~~))) (14) "Person" means any natural person, or legal or governmental entity.

(((~~(12)~~))) (15) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(((~~(13)~~))) (16) "Residential real property" means property consisting solely of a single-family residence, a residential condominium unit, or a residential cooperative unit. For the purposes of the application of RCW 61.24.163, residential real property includes residential real property of up to four units.

(((~~(14)~~))) (17) "Senior beneficiary" means the beneficiary of a deed of trust that has priority over any other deeds of trust encumbering the same residential real property.

(((~~(15)~~))) (18) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

(((~~(16)~~))) (19) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(((~~(17)~~))) (20) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

(21) "Unit owner" means an owner of an apartment, unit, or lot in an association subject to chapter 64.90 RCW.

NEW SECTION. **Sec. 8.** A new section is added to chapter 61.24 RCW to read as follows:

For each residential mortgage loan originated, excepting only reverse mortgage loans issued to seniors over the age of 61, a foreclosure prevention fee of $80 shall be assessed and due and payable at the time of closing by the escrow agent or other settlement or closing agent processing the loan closing into the foreclosure fairness account created in RCW 61.24.172. This foreclosure prevention fee may be financed in the loan and paid from the loan proceeds or from any borrower cash contribution at the time of closing. The department may make policies and procedures related to the implementation, collection, remittance, and management of the fee and may enter into individualized agreements governing the efficient remittance of the fee.

Sec. 9. RCW 61.24.172 and 2021 c 151 s 9 are each amended to read as follows:

The foreclosure fairness account is created in the custody of the

state treasurer. All receipts received under RCW 61.24.174, as it existed prior to July 1, 2016, 61.24.173, ((~~and~~)) 61.24.190, and section 8 of this act must be deposited into the account. Only the director of the department of commerce or the director's designee may authorize expenditures from the account. Funding to agencies and organizations under this section must be provided by the department through an interagency agreement or other applicable contract instrument. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. ((~~Biennial expenditures from the account must be used as follows: Four hundred thousand dollars to fund the counselor referral hotline.~~)) The ((~~remaining~~)) funds shall be distributed as follows: (1) ((~~Sixty-nine~~)) 50 percent for the purposes of providing housing counseling activities to benefit borrowers; (2) eight percent to the office of the attorney general to be used by the consumer protection division to enforce this chapter; (3) ((~~six~~)) 16.5 percent to the office of civil legal aid to be used for the purpose of contracting with qualified legal aid programs for legal representation of homeowners in matters relating to foreclosure; (4) 15 percent to fund the foreclosure prevention hotline; (5) 0.5 percent to fund outreach; and (6) 10 percent to the department to be used for implementation and operation of the foreclosure fairness act. Funds provided under ((~~this~~)) subsection (3) of this section must be used to supplement, not supplant, other federal, state, and local funds((~~; and (4) seventeen percent to the department to be used for implementation and operation of the foreclosure fairness act~~)).

The department shall enter into interagency agreements to contract with the Washington state housing finance commission and other appropriate entities to implement the foreclosure fairness act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 61.24 RCW to read as follows:

By December 31, 2025, the department shall provide a report to the senate housing committee on the number and amounts received from the notice of default fee remitted under RCW 61.24.190 and the foreclosure prevention fee remitted under section 8 of this act into the foreclosure fairness account authorized under RCW 61.24.172 for revenue collected from July 1, 2025, through November 30, 2025, and then post such information on the department website annually thereafter.

Sec. 11. RCW 64.32.200 and 2023 c 214 s 2 are each amended to read as follows:

(1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including, but not limited to, (a) 10 days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within 10 days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien is not subject to the ban against execution or forced sales of homesteads under RCW 6.13.080 and, subject to the provisions in subsection (5) of this section, may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid on the apartment at foreclosure sale, and to acquire and hold, lease, mortgage, and convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment, the period of redemption shall be eight months after the sale. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his or her successors and assigns shall not be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses of assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his or her successors and assigns.

(4)(a) When the association, or the manager or board of directors on its behalf, mails to the apartment owner by first-class mail the first notice of delinquency for past due assessments to the apartment address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS

FROM THE APARTMENT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.

THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY**.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. Housing counselors may assist you in meeting and conferring with your association to resolve the past due assessments, and based on the circumstances refer you to the foreclosure mediation program. The meet and confer will be scheduled within 30 days of contacting the housing counselor. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website

information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the apartment owner, the association or the association's attorney shall mail the first preforeclosure notice to the apartment owner in order to satisfy the requirement in (a) of this subsection. The association should inform the delinquent apartment owner of the opportunity to contact a housing counselor as provided in this act prior to mailing the first preforeclosure notice.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (5)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(5) An association, or the manager or board of directors on its behalf, may not commence an action to foreclose a lien on an apartment under this section unless:

(a) The apartment owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the apartment address and to any other address which the owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the apartment owner pursuant to subsection (4)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (4)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that apartment.

(6) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 12. RCW 64.34.364 and 2023 c 214 s 4 are each amended to read as follows:

(1) The association has a lien on a unit for any unpaid assessments levied against a unit from the time the assessment is due.

(2) A lien under this section shall be prior to all other liens and encumbrances on a unit except: (a) Liens and encumbrances recorded before the recording of the declaration; (b) a mortgage on the unit recorded before the date on which the assessment sought to be enforced became delinquent; and (c) liens for real property taxes and other governmental assessments or charges against the unit. A lien under this section is not subject to the provisions of chapter 6.13 RCW.

(3) Except as provided in subsections (4) and (5) of this section, the lien shall also be prior to the mortgages described in subsection (2)(b) of this section to the extent of assessments for common expenses, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.34.360(1) which would have become due during the six months immediately preceding the date of a sheriff's sale in an action for judicial foreclosure by either the association or a mortgagee, the date of a trustee's sale in a nonjudicial foreclosure by a mortgagee, or the date of recording of the declaration of forfeiture in a proceeding by the vendor under a real estate contract.

(4) The priority of the association's lien against units encumbered by a mortgage held by an eligible mortgagee or by a mortgagee which has given the association a written request for a notice of delinquent assessments shall be reduced by up to three months if and to the extent that the lien priority under subsection (3) of this section includes delinquencies which relate to a period after such holder becomes an eligible mortgagee or has given such notice and before the association gives the holder a written notice of the delinquency. This subsection does not affect the priority of mechanics' or material suppliers' liens, or the priority of liens for other assessments made by the association.

(5) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided by subsection (9) of this section, the association shall not be entitled to the lien priority provided for under subsection (3) of this section.

(6) Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority.

(7) Recording of the declaration constitutes record notice and perfection of the lien for assessments. While no further recording of any claim of lien for assessment under this section shall be required to perfect the association's lien, the association may record a notice of claim of lien for assessments under this section in the real property records of any county in which the condominium is located. Such recording shall not constitute the written notice of delinquency to a mortgagee referred to in subsection (2) of this section.

(8) A lien for unpaid assessments and the personal liability for payment of assessments is extinguished unless proceedings to enforce the lien or collect the debt are instituted within three years after the amount of the assessments sought to be recovered becomes due.

(9) The lien arising under this section may be enforced judicially by the association or its authorized representative in the manner set forth in chapter 61.12 RCW. The lien arising under this section may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration (a) contains a grant of the condominium in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, (b) contains a power of sale, (c) provides in its terms that the units are not used principally for agricultural or farming purposes, and (d) provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative shall have the power, unless prohibited by the declaration, to purchase the unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight months. Nothing in this section shall prohibit an association from taking a deed in lieu of foreclosure.

(10) From the time of commencement of an action by the association to foreclose a lien for nonpayment of delinquent assessments against a unit that is not occupied by the owner thereof, the association shall be entitled to the appointment of a receiver to collect from the lessee thereof the rent for the unit as and when due. If the rental is not paid, the receiver may obtain

possession of the unit, refurbish it for rental up to a reasonable standard for rental units in this type of condominium, rent the unit or permit its rental to others, and apply the rents first to the cost of the receivership and attorneys' fees thereof, then to the cost of refurbishing the unit, then to applicable charges, then to costs, fees, and charges of the foreclosure action, and then to the payment of the delinquent assessments. Only a receiver may take possession and collect rents under this subsection, and a receiver shall not be appointed less than 90 days after the delinquency. The exercise by the association of the foregoing rights shall not affect the priority of preexisting liens on the unit.

(11) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure shall not be liable for assessments or installments thereof that became due prior to such right of possession. Such unpaid assessments shall be deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(12) In addition to constituting a lien on the unit, each assessment shall be the joint and several obligation of the owner or owners of the unit to which the same are assessed as of the time the assessment is due. In a voluntary conveyance, the grantee of a unit shall be jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent assessment shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(13) The association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent assessments or installments thereof. In the absence of another established nonusurious rate, delinquent assessments shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the assessments became delinquent.

(14) The association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the association shall be entitled to recover costs and reasonable attorneys' fees if it prevails on appeal and in the enforcement of a judgment.

(15) The association upon written request shall furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments against that unit. The statement shall be furnished within fifteen days after receipt of the request and is binding on the association, the board of directors, and every unit owner, unless and to the extent known by the recipient to be false.

(16) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(17)(a) When the association mails to the unit owner by first-class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY**.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. Housing counselors may assist you in meeting and conferring with your association to resolve the past due assessments, and based on the circumstances refer you to the foreclosure mediation program. The meet and confer will be scheduled within 30 days of contacting the housing counselor. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection. The association should inform the delinquent apartment owner of the opportunity to contact a housing counselor as provided in this act prior to mailing the first preforeclosure notice.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (18)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(18) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of

delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the unit owner pursuant to subsection (17)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (17)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(19) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 13. RCW 64.38.100 and 2023 c 214 s 6 are each amended to read as follows:

(1)(a) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association shall include the following first preforeclosure notice when mailing to the lot owner by first-class mail the first notice of delinquency to the lot address and to any other address that the owner has provided to the association:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS
FROM THE HOMEOWNERS' ASSOCIATION TO WHICH YOUR HOME BELONGS.
THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY**.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. Housing counselors may assist you in meeting and conferring with your association to resolve the past due assessments, and based on the circumstances refer you to the foreclosure mediation program. The meet and confer will be scheduled within 30 days of contacting the housing counselor. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the lot owner, the association or the association's attorney shall mail the first preforeclosure notice to the lot owner in order to satisfy the requirement in (a) of this subsection. The association should inform the delinquent apartment owner of the opportunity to contact a housing counselor as provided in this act prior to mailing the first preforeclosure notice.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (2)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(2) If the governing documents of an association provide for a lien on the lot of any owner for unpaid assessments, the association may not commence an action to foreclose the lien unless:

(a) The lot owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the lot address and to any other address which the owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the lot owner pursuant to subsection (1)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (1)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that lot.

(3) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

Sec. 14. RCW 64.90.485 and 2024 c 321 s 319 are each amended to read as follows:

(1) The association has a statutory lien on each unit for any unpaid assessment against the unit from the time such assessment is due.

(2) A lien under this section has priority over all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances that the association creates, assumes, or takes subject to;

(b) Except as otherwise provided in subsection (3) of this section, a security interest on the unit recorded before the date on which the unpaid assessment became due or, in a cooperative, a security interest encumbering only the unit owner's interest and perfected before the date on which the unpaid assessment became due; and

(c) Liens for real estate taxes and other state or local governmental assessments or charges against the unit or cooperative.

(3)(a) A lien under this section also has priority over the security interests described in subsection (2)(b) of this section to the extent of an amount equal to the following:

(i) The common expense assessments, excluding any amounts for capital improvements, based on the periodic budget adopted by the association pursuant to RCW 64.90.480(1), along with any specially allocated assessments that are properly assessable against the unit under such periodic budget, which would have become due in the absence of acceleration during the six months immediately preceding the institution of proceedings to foreclose either the association's lien or a security interest described in subsection (2)(b) of this section;

(ii) The association's actual costs and reasonable attorneys' fees incurred in foreclosing its lien but incurred after the giving of the notice described in (a)(iii) of this subsection; provided, however, that the costs and reasonable attorneys' fees that will have priority under this subsection (3)(a)(ii) shall not exceed $2,000 or an amount equal to the amounts described in (a)(i) of this subsection, whichever is less;

(iii) The amounts described in (a)(ii) of this subsection shall be prior only to the security interest of the holder of a security interest on the unit recorded before the date on which the unpaid assessment became due and only if the association has given that holder not less than 60 days' prior written notice that the owner of the unit is in default in payment of an assessment. The notice shall contain:

(A) Name of the borrower;

(B) Recording date of the trust deed or mortgage;

(C) Recording information;

(D) Name of condominium, unit owner, and unit designation stated in the declaration or applicable supplemental declaration;

(E) Amount of unpaid assessment; and

(F) A statement that failure to, within 60 days of the written notice, submit the association payment of six months of assessments as described in (a)(i) of this subsection will result in the priority of the amounts described in (a)(ii) of this subsection; and

(iv) Upon payment of the amounts described in (a)(i) and (ii) of this subsection by the holder of a security interest, the association's lien described in this subsection (3)(a) shall thereafter be fully subordinated to the lien of such holder's security interest on the unit.

(b) For the purposes of this subsection:

(i) "Institution of proceedings" means either:

(A) The date of recording of a notice of trustee's sale by a deed of trust beneficiary;

(B) The date of commencement, pursuant to applicable court rules, of an action for judicial foreclosure either by the association or by the holder of a recorded security interest; or

(C) The date of recording of a notice of intention to forfeit in a real estate contract forfeiture proceeding by the vendor under a real estate contract.

(ii) "Capital improvements" does not include making, in the ordinary course of management, repairs to common elements or replacements of the common elements with substantially similar items, subject to: (A) Availability of materials and products, (B) prevailing law, or (C) sound engineering and construction standards then prevailing.

(c) The adoption of a periodic budget that purports to allocate to a unit any fines, late charges, interest, attorneys' fees and costs incurred for services unrelated to the foreclosure of the association's lien, other collection charges, or specially allocated assessments assessed under RCW 64.90.480 (6) or (7) does not cause any such items to be included in the priority amount affecting such unit.

(4) Subsections (2) and (3) of this section do not affect the priority of mechanics' or material suppliers' liens to the extent that law of this state other than chapter 277, Laws of 2018 gives priority to such liens, or the priority of liens for other assessments made by the association.

(5) A lien under this section is not subject to chapter 6.13 RCW.

(6) If the association forecloses its lien under this section nonjudicially pursuant to chapter 61.24 RCW, as provided under subsection (13) of this section, the association is not entitled to the lien priority provided for under subsection (3) of this section, and is subject to the limitations on deficiency judgments as provided in chapter 61.24 RCW.

(7) Unless the declaration provides otherwise, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority as to each other, and any foreclosure of one such lien shall not affect the lien of the other.

(8) Recording of the declaration constitutes record notice and perfection of the statutory lien created under this section. Further notice or recordation of any claim of lien for assessment under this section is not required, but is not prohibited.

(9) A lien for unpaid assessments and the personal liability for payment of those assessments are extinguished unless proceedings to enforce the lien or collect the debt are instituted within six years after the full amount of the assessments sought to be recovered becomes due.

(10) This section does not prohibit actions against unit owners to recover sums for which subsection (1) of this section creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

(11) The association upon written request must furnish to a unit owner or a mortgagee a statement signed by an officer or authorized agent of the association setting forth the amount of unpaid assessments or the priority amount against that unit, or both. The statement must be furnished within 15 days after receipt of the request and is binding on the association, the board, and every unit owner unless, and to the extent, known by the recipient to be false. The liability of a recipient who reasonably relies upon the statement must not exceed the amount set forth in any statement furnished pursuant to this section or RCW 64.90.640(1)(b).

(12) In a cooperative, upon nonpayment of an assessment on a unit, the unit owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided under this section.

(13) The association's lien may be foreclosed in accordance with (a) and (b) of this subsection.

(a) In a common interest community other than a cooperative, the association's lien may be foreclosed judicially in accordance with chapter 61.12 RCW, subject to any rights of redemption under chapter 6.23 RCW.

(b) The lien may be enforced nonjudicially in the manner set forth in chapter 61.24 RCW for nonjudicial foreclosure of deeds of trust if the declaration: Contains a grant of the common interest community in trust to a trustee qualified under RCW 61.24.010 to secure the obligations of the unit owners to the association for the payment of assessments, contains a power of sale, provides in its terms that the units are not used principally for agricultural purposes, and provides that the power of sale is operative in the case of a default in the obligation to pay assessments. The association or its authorized representative may purchase the unit at the foreclosure sale and acquire, hold, lease, mortgage, or convey the unit. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption is eight months.

(c) In a cooperative in which the unit owners' interests in the units are real estate, the association's lien must be foreclosed in

like manner as a mortgage on real estate or by power of sale under (b) of this subsection.

(d) In a cooperative in which the unit owners' interests in the units are personal property, the association's lien must be foreclosed in like manner as a security interest under chapter 62A.9A RCW.

(e) No member of the association's board, or their immediate family members or affiliates, are eligible to bid for or purchase, directly or indirectly, any interest in a unit at a foreclosure of the association's lien. For the purposes of this subsection, "immediate family member" includes spouses, domestic partners, children, siblings, parents, parents-in-law, and stepfamily members; and "affiliate" of a board member includes any person controlled by the board member, including any entity in which the board member is a general partner, managing member, majority member, officer, or director. Nothing in this subsection prohibits an association from bidding for or purchasing interest in a unit at a foreclosure of the association's lien.

(14) If the unit owner's interest in a unit in a cooperative is real estate, the following requirements apply:

(a) The association, upon nonpayment of assessments and compliance with this subsection, may sell that unit at a public sale or by private negotiation, and at any time and place. The association must give to the unit owner and any lessee of the unit owner reasonable notice in a record of the time, date, and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time and date after which a private conveyance may be made. Such notice must also be sent to any other person that has a recorded interest in the unit that would be cut off by the sale, but only if the recorded interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required under this subsection may be sent to any address reasonable in the circumstances. A sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

(b) Unless otherwise agreed to or as stated in this section, the unit owner is liable for any deficiency in a foreclosure sale.

(c) The proceeds of a foreclosure sale must be applied in the following order:

(i) The reasonable expenses of sale;

(ii) The reasonable expenses of securing possession before sale; the reasonable expenses of holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges and premiums on insurance; and, to the extent provided for by agreement between the association and the unit owner, reasonable attorneys' fees, costs, and other legal expenses incurred by the association;

(iii) Satisfaction of the association's lien;

(iv) Satisfaction in the order of priority of any subordinate claim of record; and

(v) Remittance of any excess to the unit owner.

(d) A good-faith purchaser for value acquires the unit free of the association's debt that gave rise to the lien under which the foreclosure sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with this section. The person conducting the sale must execute a conveyance to the purchaser sufficient to convey the unit and stating that it is executed by the person after a foreclosure of the association's lien by power of sale and that the person was empowered to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required under this subsection are sufficient proof of the facts recited and of the authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

(e) At any time before the association has conveyed a unit in a cooperative or entered into a contract for its conveyance under the power of sale, the unit owners or the holder of any subordinate security interest may cure the unit owner's default and prevent sale or other conveyance by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorneys' fees and costs of the creditor.

(15) In an action by an association to collect assessments or to foreclose a lien on a unit under this section, the court may appoint a receiver to collect all sums alleged to be due and owing to a unit owner before commencement or during pendency of the action. The receivership is governed under chapter 7.60 RCW. During pendency of the action, the court may order the receiver to pay sums held by the receiver to the association for any assessments against the unit. The exercise of rights under this subsection by the association does not affect the priority of preexisting liens on the unit.

(16) Except as provided in subsection (3) of this section, the holder of a mortgage or other purchaser of a unit who obtains the right of possession of the unit through foreclosure is not liable for assessments or installments of assessments that became due prior to such right of possession. Such unpaid assessments are deemed to be common expenses collectible from all the unit owners, including such mortgagee or other purchaser of the unit. Foreclosure of a mortgage does not relieve the prior unit owner of personal liability for assessments accruing against the unit prior to the date of such sale as provided in this subsection.

(17) In addition to constituting a lien on the unit, each assessment is the joint and several obligation of the unit owner of the unit to which the same are assessed as of the time the assessment is due. A unit owner may not exempt himself or herself from liability for assessments. In a voluntary conveyance other than by foreclosure, the grantee of a unit is jointly and severally liable with the grantor for all unpaid assessments against the grantor up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee. Suit to recover a personal judgment for any delinquent assessment is maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

(18) The association may from time to time establish reasonable late charges and a rate of interest to be charged, not to exceed the maximum rate calculated under RCW 19.52.020, on all subsequent delinquent assessments or installments of assessments. If the association does not establish such a rate, delinquent assessments bear interest from the date of delinquency at the maximum rate calculated under RCW 19.52.020 on the date on which the assessments became delinquent.

(19) The association is entitled to recover any costs and reasonable attorneys' fees incurred in connection with the collection of delinquent assessments, whether or not such collection activities result in a suit being commenced or prosecuted to judgment. The prevailing party is also entitled to recover costs and reasonable attorneys' fees in such suits, including any appeals, if it prevails on appeal and in the enforcement of a judgment.

(20) To the extent not inconsistent with this section, the declaration may provide for such additional remedies for collection of assessments as may be permitted by law.

(21)(a) When the association mails to the unit owner by first-

class mail the first notice of delinquency for past due assessments to the unit address and to any other address that the owner has provided to the association, the association shall include a first preforeclosure notice that states as follows:

THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE UNIT OWNERS ASSOCIATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ONE STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME.

CONTACT A HOUSING COUNSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. **DO NOT DELAY**.

BE CAREFUL of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. Housing counselors may assist you in meeting and conferring with your association to resolve the past due assessments, and based on the circumstances refer you to the foreclosure mediation program. The meet and confer will be scheduled within 30 days of contacting the housing counselor. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the following:

The statewide foreclosure hotline for assistance and referral to housing counselors recommended by the Housing Finance Commission

Telephone: . . . . . Website: . . . . . .

The United States Department of Housing and Urban Development

Telephone: . . . . . Website: . . . . . .

The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys

Telephone: . . . . . Website: . . . . . .

The association shall obtain the toll-free numbers and website information from the department of commerce for inclusion in the notice.

(b) If, when a delinquent account is referred to an association's attorney, the first preforeclosure notice required under (a) of this subsection has not yet been mailed to the unit owner, the association or the association's attorney shall mail the first preforeclosure notice to the unit owner in order to satisfy the requirement in (a) of this subsection. The association should inform the delinquent apartment owner of the opportunity to contact a housing counselor as provided in this act prior to mailing the first preforeclosure notice.

(c) Mailing the first preforeclosure notice pursuant to (a) of this subsection does not satisfy the requirement in subsection (22)(b) of this section to mail a second preforeclosure notice at or after the date that assessments have become past due for at least 90 days. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice is mailed.

(22) An association may not commence an action to foreclose a lien on a unit under this section unless:

(a) The unit owner, at the time the action is commenced, owes at least a sum equal to the greater of:

(i) Three months or more of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account; or

(ii) $2,000 of assessments, not including fines, late charges, interest, attorneys' fees, or costs incurred by the association in connection with the collection of a delinquent owner's account;

(b) At or after the date that assessments have become past due for at least 90 days, but no sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed, the association has mailed, by first-class mail, to the owner, at the unit address and to any other address which the owner has provided to the association, a second notice of delinquency, which must include a second preforeclosure notice that contains the same information as the first preforeclosure notice provided to the owner pursuant to subsection (21)(a) of this section. The second preforeclosure notice may not be mailed sooner than 60 days after the first preforeclosure notice required in subsection (21)(a) of this section is mailed;

(c) At least 90 days have elapsed from the date the minimum amount required in (a) of this subsection has accrued; and

(d) The board approves commencement of a foreclosure action specifically against that unit.

(23) Every aspect of a collection, foreclosure, sale, or other conveyance under this section, including the method, advertising, time, date, place, and terms, must be commercially reasonable.

NEW SECTION. **Sec. 15.** (1) Sections 1 through 4 and 11 through 14 of this act take effect January 1, 2026.

(2) Sections 5 through 7 of this act take effect January 1, 2028.

NEW SECTION. **Sec. 16.** Sections 1, 2, 4, and 11 through 13 of this act expire January 1, 2028."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "amending RCW 61.24.005, 61.24.163, 61.24.165, 61.24.165, 61.24.005, 61.24.172, 64.32.200, 64.34.364, 64.38.100, and 64.90.485; adding new sections to chapter 61.24 RCW; providing effective dates; and providing an expiration date."

Senators Orwall and Goehner spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0152 by Senator Orwall to Second Substitute Senate Bill No. 5686.

The motion by Senator Orwall carried and striking floor amendment no. 0152 was adopted by voice vote.

MOTION

On motion of Senator Orwall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5686 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Orwall spoke in favor of passage of the bill.

Senator Goehner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5686.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5686 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Chapman, Cleveland, Conway, Cortes, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Krishnadasan, Liias, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon,

Shewmake, Slatter, Stanford, Trudeau, Valdez, Wellman and Wilson, C.

Voting nay: Senators Boehnke, Braun, Christian, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5686, 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. 5041, by Senators Riccelli, Conway, Hasegawa, Saldaña, Salomon, Stanford, Dhingra, Nobles, Trudeau, Valdez, Bateman, Lovelett, Cleveland, Frame, Orwall, Pedersen, Slatter, Wellman, and Wilson, C.

Concerning unemployment insurance benefits for striking or lockout workers.

MOTIONS

On motion of Senator Riccelli, Substitute Senate Bill No. 5041 was substituted for Senate Bill No. 5041 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5041, by Senate Committee on Labor & Commerce (originally sponsored by Riccelli, Conway, Hasegawa, Saldaña, Salomon, Stanford, Dhingra, Nobles, Trudeau, Valdez, Bateman, Lovelett, Cleveland, Frame, Orwall, Pedersen, Slatter, Wellman, and Wilson, C.)

Concerning unemployment insurance benefits for striking or lockout workers.

The measure was read the second time.

MOTION

Senator Riccelli moved that the following striking floor amendment no. 0126 by Senator Riccelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 50.20.090 and 1988 c 83 s 1 are each amended to read as follows:

(1) An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that the individual's unemployment is((:

~~(a) Due~~)) due to a strike at the factory, establishment, or other premises at which the individual is or was last employed((~~; or~~

~~(b) Due to a lockout by his or her employer who is a member of a multiemployer bargaining unit and who has locked out the employees at the factory, establishment, or other premises at which the individual is or was last employed after one member of the multiemployer bargaining unit has been struck by its employees as a result of the multiemployer bargaining process~~)).

(2) Subsection (1) of this section shall not apply if it is shown to the satisfaction of the commissioner that:

(a) The individual is not participating in or financing or directly interested in the strike ((~~or lockout~~)) that caused the individual's unemployment; and

(b) The individual does not belong to a grade or class of workers of which, immediately before the commencement of the strike ((~~or lockout~~)), there were members employed at the premises at which the strike ((~~or lockout~~)) occurs, any of whom are participating in or financing or directly interested in the strike ((~~or lockout~~)): PROVIDED, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this ((~~subdivision~~)) subsection, be deemed to be a separate factory, establishment, or other premises.

(3)(a) Any disqualification imposed under this section shall end ((~~when~~)) on the earlier of:

(i) The second Sunday following the first date of the strike, provided that the strike is not found to be prohibited by federal or state law in a final judgment. If a final judgment finds that a strike is prohibited by state or federal law, any benefits paid are liable for repayment as set forth in RCW 50.20.190; or

(ii) The date the strike ((~~or lockout~~)) is terminated.

(b) When the disqualification ends, the individual is subject to the one week waiting period as provided in RCW 50.20.010 and any benefits must be calculated in accordance with this chapter. However, if an individual is unemployed due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed, the individual may receive weekly benefits for no more than 12 calendar weeks, subject to other limitations provided in this title. Any weekly benefits received unrelated to the individual's unemployment due to a strike may not be counted toward the 12 calendar weeks.

Sec. 2. RCW 50.20.160 and 2003 2nd sp.s. c 4 s 31 are each amended to read as follows:

(1) A determination of amount of benefits potentially payable issued pursuant to the provisions of RCW 50.20.120 and 50.20.140 shall not serve as a basis for appeal but shall be subject to request by the claimant for reconsideration and/or for redetermination by the commissioner at any time within one year from the date of delivery or mailing of such determination, or any redetermination thereof: PROVIDED, That in the absence of fraud or misrepresentation on the part of the claimant, any benefits paid prior to the date of any redetermination which reduces the amount of benefits payable shall not be subject to recovery under the provisions of RCW 50.20.190. A denial of a request to reconsider or a redetermination shall be furnished the claimant in writing and provide the basis for appeal under the provisions of RCW 50.32.020.

(2) A determination of denial of benefits issued under the provisions of RCW 50.20.180 shall become final, in absence of timely appeal therefrom: PROVIDED, That the commissioner may reconsider and redetermine such determinations at any time within one year from delivery or mailing to correct an error in identity, omission of fact, or misapplication of law with respect to the facts.

(3) A determination of allowance of benefits shall become final, in absence of a timely appeal therefrom: PROVIDED, That the commissioner may redetermine such allowance at any time within two years following the benefit year in which such allowance was made in order to recover any benefits improperly paid and for which recovery is provided under the provisions of RCW 50.20.190: AND PROVIDED FURTHER, That in the absence of fraud, misrepresentation, or nondisclosure, this provision or the provisions of RCW 50.20.190 shall not be construed so as to permit redetermination or recovery of an allowance of benefits which having been made after consideration of the provisions of RCW 50.20.010(1)(c), or the provisions of RCW 50.20.050, 50.20.060, or 50.20.080((~~, or 50.20.090~~)) has

become final.

(4) A redetermination may be made at any time: (a) To conform to a final court decision applicable to either an initial determination or a determination of denial or allowance of benefits; (b) in the event of a back pay award or settlement affecting the allowance of benefits; or (c) in the case of fraud, misrepresentation, or willful nondisclosure. Written notice of any such redetermination shall be promptly given by mail or delivered to such interested parties as were notified of the initial determination or determination of denial or allowance of benefits and any new interested party or parties who, pursuant to such regulation as the commissioner may prescribe, would be an interested party.

Sec. 3. RCW 50.29.021 and 2024 c 51 s 1 are each amended to read as follows:

(1)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if:

(i) The individual qualifies for benefits under RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work;

(ii) The individual qualifies for benefits under RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through (x); ((~~or~~))

(iii) During a public health emergency, the claimant worked at a health care facility as defined in RCW 9A.50.010, was directly involved in the delivery of health services, and was terminated from work due to entering quarantine because of exposure to or contracting the disease that is the subject of the declaration of the public health emergency; or

(iv) The individual's unemployment is due to a strike at the separating employer's factory, establishment, or other premises at which the individual is or was last employed.

(2) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows in (a) through (i) of this subsection. The department may not require an employer to submit a request in order for these benefits to not be charged.

(a) Benefits paid to any individual later determined to be ineligible for those benefits or disqualified to receive those benefits shall not be charged to the experience rating account of any contribution paying employer, except:

(i) As provided in subsection (4) of this section; or

(ii) As provided in subsection (5) of this section.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) If the department determines an individual left the employ of the separating employer under the circumstances described in RCW 50.20.050(1)(b) (iv) or (xi), (2)(b)(ii), only for separation that was necessary because the care for a child or a vulnerable adult in the claimant's care is inaccessible, (iv), (xi), (xii), or (xiii), or (3), as applicable, benefits paid to that individual shall not be charged to the experience rating account of any base year contribution paying employer.

(f) Upon approval of an individual's training benefits plan submitted in accordance with RCW 50.22.155(2), an individual is considered enrolled in training, and regular benefits beginning with the week of approval shall not be charged to the experience rating account of any contribution paying employer.

(g) Training benefits paid to an individual under RCW 50.22.155 shall not be charged to the experience rating account of any contribution paying employer.

(h)(i) Benefits paid during the one week waiting period when the one week waiting period is fully paid or fully reimbursed by the federal government shall not be charged to the experience rating account of any contribution paying employer.

(ii) In the event the one week waiting period is partially paid or partially reimbursed by the federal government, the department may, by rule, elect to not charge, in full or in part, benefits paid during the one week waiting period to the experience rating account of any contribution paying employer.

(i) Benefits paid for all weeks starting with the week ending March 28, 2020, and ending with the week ending May 30, 2020, shall not be charged to the experience rating account of any contribution paying employer.

(3)(a) A contribution paying base year employer, except employers as provided in subsection (5) of this section, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer. In addition to other circumstances identified by the department by rule, an individual who leaves the employ of such employer under the circumstances described in RCW 50.20.050(1)(b) (iv) or (xi), (2)(b) (iv), (xi), or (xii), or (3) must be deemed to have left their employ for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster, or to the presence of any dangerous, contagious, or infectious disease that is the subject of a public health emergency at the employer's plant, building, worksite, or other facility;

(iv) Continues to be employed by the employer seeking relief and: (A) The employer furnished part-time work to the individual during the base year; (B) the individual has become eligible for benefits because of loss of employment with one or more other employers; and (C) the employer has continued to furnish or make available part-time work to the individual in substantially the same amount as during the individual's base year. This subsection does not apply to shared work employers under chapter 50.60 RCW;

(v) Was hired to replace an employee who is a member of the military reserves or National Guard and was called to federal active military service by the president of the United States and is subsequently laid off when that employee is reemployed by their employer upon release from active duty within the time provided for reemployment in RCW 73.16.035;

(vi) Worked for an employer for 20 weeks or less, and was laid off at the end of temporary employment when that employee temporarily replaced a permanent employee receiving family or medical leave benefits under Title 50A RCW, and the layoff is due to the return of that permanent employee. This subsection (3)(a)(vi) applies to claims with an effective date on or after January 1, 2020; or

(vii) Was discharged because the individual was unable to satisfy a job prerequisite required by law or administrative rule.

(b) The employer requesting relief of charges under this subsection must request relief in writing within 30 days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The department may waive this time limitation for good cause. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

(4) When a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(5) An employer's experience rating account may not be relieved of charges for a benefit payment and an employer who reimburses the trust fund for benefit payments may not be credited for a benefit payment if a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to the claim or claims without establishing good cause for the failure and the employer or employer's agent has a pattern of such failures. The commissioner has the authority to determine whether the employer has good cause under this subsection.

(a) For the purposes of this subsection, "adequately" means providing accurate information of sufficient quantity and quality that would allow a reasonable person to determine whether an individual is eligible for or qualified to receive benefits.

(b)(i) For the purposes of this subsection, "pattern" means a benefit payment was made because the employer or employer's agent failed to respond timely or adequately to a written request of the department for information relating to a claim or claims without establishing good cause for the failure, if the greater of the following calculations for an employer is met:

(A) At least three times in the previous two years; or

(B) Twenty percent of the total current claims against the employer.

(ii) If an employer's agent is utilized, a pattern is established based on each individual client employer that the employer's agent represents.

NEW SECTION. **Sec. 4.** A new section is added to chapter 50.20 RCW to read as follows:

(1) If an individual receives benefits under this title while being unemployed due to a strike at the separating employer's factory, establishment, or other premises and the individual subsequently receives retroactive wages from the separating employer for any week for which he or she received benefits under this title, the department shall issue an overpayment assessment to recover the corresponding benefits as provided under RCW 50.20.190.

(2) This section expires December 31, 2035.

NEW SECTION. **Sec. 5.** If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. **Sec. 6.** This act takes effect January 1, 2026.

NEW SECTION. **Sec. 7.** Sections 1 through 3 of this act expire December 31, 2035."

On page 1, line 2 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 50.20.090, 50.20.160, and 50.29.021; adding a new section to chapter 50.20 RCW; creating a new section; providing an effective date; and providing expiration dates."

MOTION

Senator Braun moved that the following floor amendment no. 0148 by Senator Braun be adopted:

On page 2, line 13, after "than" strike "12" and insert "four"
On page 2, line 16, after "the" strike "12" and insert "four"

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

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

Senator Braun demanded a roll call.

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

The President declared the question before the Senate to be the adoption of the amendment by Senator Braun on page 2, line 13 to striking floor amendment no. 126.

ROLL CALL

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

Voting yea: Senators Boehnke, Braun, Chapman, Christian, Cortes, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, Krishnadasan, Liias, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick, Wellman and Wilson, J.

Voting nay: Senators Alvarado, Bateman, Cleveland, Conway, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Lovelett,

Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Shewmake, Slatter, Stanford, Trudeau, Valdez and Wilson, C.

MOTION

Senator King moved that the following floor amendment no. 0151 by Senator King be adopted:

On page 2, after line 16, insert the following:

"(4) The legislature intends that striking workers be subject to the standard requirements of unemployed workers being able, available, and actively seeking suitable work in order to be eligible to collect unemployment benefits. Therefore, individuals unemployed due to a strike at the separating employee's factory, establishment, or other premises at which the individual is last employed are subject to the requirements that they be able, available, and actively seeking work under RCW 50.20.010(1)(c). The department may not waive, exempt, or otherwise remove this requirement."

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

Senator Saldaña 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. 0151 by Senator King on page 2, after line 16 to striking floor amendment no. 126.

The motion by Senator King did not carry and floor amendment no. 0151 was not adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 0149 by Senator Short be adopted:

On page 8, after line 28, insert the following:

"NEW SECTION. **Sec. 6.** A new section is added to chapter 50.20 RCW to read as follows:

(1) By December 31, 2025, and continuing annually each year until 2035, the department must submit a report to the legislature on the prevalence of strikes occurring within Washington and the impact of strikes on the unemployment insurance trust fund. The report must include, at a minimum:

(a) The total number of strikes occurring that year within Washington, the industry sectors in which strikes occurred, the number of employees that participated in each strike, the number of unemployment claims paid to workers participating in the strike, the total amount of unemployment benefits paid, the number of employers who experienced a rate class increase in the year following a labor strike, including the rate class for each employer without identifying information for the year prior to the strike and for the year following the strike, any increase in the social cost factor rate from the year prior to the strike and the year following the strike, and the benefits paid which are charged to employers who make payments in lieu of contributions;

(b) The sum totals of all previous years' information required under (a) of this subsection since the effective date of this section; and

(c) The sum totals of the information required in (a) of this subsection for each year in the 10 years prior to the effective date of this section as well as the sum of those 10 years.

(2) This section expires January 1, 2036."

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

On page 9, line 3, after "adding" strike "a new section" and insert "new sections"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0149 by Senator Short on page 8, after line 28 to striking floor amendment no. 126.

The motion by Senator Short carried and floor amendment no. 0149 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 0150 by Senator King be adopted:

On page 8, line 29, strike all of section 6 and insert the following:

"NEW SECTION. **Sec. 6.** (1) The office of the superintendent of public instruction, in consultation with the employment security department, must study the potential risks to students if schools were shut down due to school district teachers going on strike or being locked out for the maximum amount of weeks of allowed unemployment insurance compensation under this act. The study must include an analysis of, at a minimum:

(a) The potential for learning loss facing all students;

(b) Potential disparate impacts faced by minority students and students of color;

(c) The impact on enrollment of students transferring out of the public school system during the school shutdown or shutdowns; and

(d) Impacts that may be exacerbated by previous school shutdowns that occurred during the recent pandemic.

(2) The analysis must be completed and reported to the appropriate policy committees of the legislature by December 31, 2027.

(3) This section expires July 1, 2028.

NEW SECTION. **Sec. 7.** Sections 1 through 5 of this act take effect January 1, 2030."

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

On page 9, beginning on line 3, after "creating" strike all material through "section" on line 4 and insert "new sections"

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

Senator Saldaña 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. 0150 by Senator King on page 8, line 29 to Substitute Senate Bill No. 5041.

The motion by Senator King did not carry and floor amendment no. 0150 was not adopted by voice vote.

Senator Riccelli spoke in favor of adoption of the striking amendment as amended.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0126 by Senator Riccelli as amended to Substitute Senate Bill No. 5041.

The motion by Senator Riccelli carried and striking floor amendment no. 0126 as amended was adopted by voice vote.

MOTION

On motion of Senator Riccelli, the rules were suspended, Engrossed Substitute Senate Bill No. 5041 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Riccelli, Conway, Liias and Cleveland spoke in favor of passage of the bill.

Senators King, Muzzall, MacEwen, Goehner and Braun spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5041.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5041 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Cleveland, Conway, Cortes, Dhingra, Frame, Hansen, Hasegawa, Kauffman, Krishnadasan, Liias, Lovelett, Lovick, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Shewmake, Slatter, Stanford, Trudeau, Valdez and Wilson, C.

Voting nay: Senators Boehnke, Braun, Chapman, Christian, Dozier, Fortunato, Gildon, Goehner, Harris, Holy, King, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick, Wellman and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5041, 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. 5749, by Senators Wilson, J., Fortunato, Short, Christian, Torres, Dozier, Boehnke, Holy, Wagoner, and McCune

Concerning housing development opportunity zones.

MOTION

On motion of Senator Wilson, J., Substitute Senate Bill No. 5749 was substituted for Senate Bill No. 5749 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5749, by Senate Committee on Housing (originally sponsored by Wilson, J., Fortunato, Short, Christian, Torres, Dozier, Boehnke, Holy, Wagoner, and McCune)

Concerning housing development opportunity zones.

The measure was read the second time.

MOTION

On motion of Senator Wilson, J., the rules were suspended, Substitute Senate Bill No. 5749 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5749.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5749 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, Holy, King, Krishnadasan, Liias, Lovelett, Lovick, MacEwen, McCune, Muzzall, Nobles, Orwall, Pedersen, Ramos, Riccelli, Robinson, Saldaña, Salomon, Schoesler, Shewmake, Short, Slatter, Stanford, Torres, Trudeau, Valdez, Wagoner, Warnick, Wellman, Wilson, C. and Wilson, J.

Voting nay: Senators Hasegawa and Kauffman

SUBSTITUTE SENATE BILL NO. 5749, 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.

Senator Hasegawa announced a meeting of the Democratic Caucus 10 minutes after adjournment.

Senator Warnick announced there would be no Republican Caucus.

MOTION

At 3:12 p.m., on motion of Senator Riccelli, the Senate adjourned until 10 o'clock a.m. Monday, March 10, 2025.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate