FIFTY EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia
Tuesday, March 11, 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 Miss Mirabel Lovelett and Miss Mary Coleman, presented the Colors.

Page Miss Hannah Kim led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Bob Luhn of Othello Church of the Nazarene.

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 fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 2025

MR. PRESIDENT:
The House has passed:

SUBSTITUTE HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1133,
ENGROSSED HOUSE BILL NO. 1217,
SECOND SUBSTITUTE HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1309,
SUBSTITUTE HOUSE BILL NO. 1321,
ENGROSSED HOUSE BILL NO. 1329,
HOUSE BILL NO. 1341,
HOUSE BILL NO. 1389,
SECOND SUBSTITUTE HOUSE BILL NO. 1409,
SECOND SUBSTITUTE HOUSE BILL NO. 1503,
SECOND SUBSTITUTE HOUSE BILL NO. 1514,
SUBSTITUTE HOUSE BILL NO. 1546,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1549,
SUBSTITUTE HOUSE BILL NO. 1576,
ENGROSSED HOUSE BILL NO. 1602,
HOUSE BILL NO. 1615,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1686,
SUBSTITUTE HOUSE BILL NO. 1758,
HOUSE BILL NO. 1796,
HOUSE BILL NO. 1858,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1902,
SECOND SUBSTITUTE HOUSE BILL NO. 1975,
SECOND SUBSTITUTE HOUSE BILL NO. 1990,

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 5786 by Senator Stanford

AN ACT Relating to increasing license, permit, and endorsement fees; amending RCW 66.20.010, 66.20.400, 66.24.015, 66.24.035, 66.24.055, 66.24.140, 66.24.146, 66.24.150, 66.24.160, 66.24.165, 66.24.170, 66.24.179, 66.24.185, 66.24.200, 66.24.203, 66.24.240, 66.24.244, 66.24.250, 66.24.261, 66.24.310, 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.363, 66.24.371, 66.24.395, 66.24.420, 66.24.425, 66.24.450, 66.24.452, 66.24.495, 66.24.520, 66.24.530, 66.24.540, 66.24.550, 66.24.570, 66.24.580, 66.24.590, 66.24.600, 66.24.610, 66.24.630, 66.24.650, 66.24.655, 66.24.690, and 66.24.695; reenacting and amending RCW 66.24.400 and 66.24.680; and adding a new section to chapter 66.08 RCW.

Referred to Committee on Labor & Commerce.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1023 by House Committee on Appropriations (originally sponsored by Ryu, Leavitt, Schmidt, Jacobsen, Reed, Eslick, Doglio, Simmons, Berg, Reeves, and Donaghy)

AN ACT Relating to the cosmetology licensure compact; adding new sections to chapter 18.16 RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Labor & Commerce.

ESHB 1113 by House Committee on Community Safety (originally sponsored by Farivar, Goodman, Simmons, Taylor, Macri, Scott, Fosse, Street, Reed, Senn, Berry, Alvarado, Morgan, Mena, Peterson, Stonier, Walen, Pollet, Wylie, Cortes, Obras, Gregerson, Ormsby, Bergquist, Salahuddin, and Hill)

AN ACT Relating to accountability and access to services for individuals charged with a misdemeanor; amending RCW 46.20.270; adding a new chapter to Title 10 RCW; and creating a new section.

Referred to Committee on Law & Justice.

E2SHB 1131 by House Committee on Appropriations (originally sponsored by Goodman, Hackney, Simmons, Wylie, Ormsby, and Hill)

AN ACT Relating to clemency and pardons; amending RCW 9.94A.501, 9.94A.565, 9.94A.633, 9.94A.633, 9.94A.728, and 9.94A.880; reenacting and amending RCW 9.94A.501 and 9.94A.885; adding a new section to chapter 9.94A RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

E2SHB 1163 by House Committee on Appropriations (originally sponsored by Berry, Taylor, Farivar, Walen,

Pollet, Alvarado, Mena, Duerr, Reed, Ryu, Parshley, Ramel, Fitzgibbon, Callan, Macri, Cortes, Obras, Doglio, Gregerson, Simmons, Peterson, Street, Goodman, Wylie, Fey, Kloba, Berg, Davis, Fosse, Salahuddin, Hill, and Tharinger)

AN ACT Relating to enhancing requirements relating to the purchase, transfer, and possession of firearms by requiring a permit to purchase firearms, specifying requirements and standards for firearms safety training programs and issuance of concealed pistol licenses, specifying circumstances where a firearm transfer may be delayed, requiring recordkeeping for all firearm transfers, and establishing reporting requirements regarding permits to purchase firearms and concealed pistol licenses; amending RCW 9.41.090, 9.41.1132, 43.43.590, 9.41.047, 9.41.070, 9.41.075, 9.41.097, 9.41.0975, 9.41.110, 9.41.129, 9.41.270, 7.105.350, and 43.43.580; adding new sections to chapter 9.41 RCW; adding a new section to chapter 43.43 RCW; creating new sections; and providing an effective date.

Referred to Committee on Law & Justice.

EHB 1173 by Representatives Bronoske, Berry, Reed, Ramel, Obras, Fosse, Simmons, Ortiz-Self, Goodman, Gregerson, Pollet, Nance, Ormsby, Lekanoff, and Hill

AN ACT Relating to wages for journeypersons in high-hazard facilities; amending RCW 49.80.010 and 49.80.040; and providing an effective date.

Referred to Committee on Labor & Commerce.

E2SHB 1232 by House Committee on Appropriations (originally sponsored by Ortiz-Self, Fey, Reed, Ramel, Leavitt, Mena, Macri, Callan, Farivar, Gregerson, Simmons, Peterson, Wylie, Ormsby, Fosse, and Hill)

AN ACT Relating to private detention facilities; amending RCW 70.395.020, 70.395.040, 70.395.050, 70.395.060, and 70.395.100; adding new sections to chapter 70.395 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Human Services.

SHB 1261 by House Committee on Finance (originally sponsored by Low, Berg, Peterson, and Nance)

AN ACT Relating to providing tax relief for certain incidental uses on open space land; amending RCW 84.34.020, 84.34.080, and 84.34.108; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

EHB 1279 by Representatives Pollet, Leavitt, Doglio, Reed, and Simmons

AN ACT Relating to postsecondary education consumer protections; amending RCW 28B.85.020, 28B.85.070, 28B.85.090, and 28B.85.095; adding a new section to chapter 28B.85 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

SHB 1308 by House Committee on Labor & Workplace Standards (originally sponsored by Reed, Fosse, Alvarado, Thai, Doglio, Cortes, Mena, Obras, Scott, Taylor, Macri, Ortiz-Self, Pollet, Salahuddin, Berry, Duerr, Reeves, Goodman, Street, Simmons, Walen, Ormsby, Ramel, Nance, and Parshley)

AN ACT Relating to access to personnel records; amending RCW 49.12.240 and 49.12.250; adding a new section to chapter 49.12 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

HB 1327 by Representatives Schmick, and Stearns

AN ACT Relating to horse racing; amending RCW 67.16.010, 67.16.012, 67.16.050, 67.16.070, 67.16.100, 67.16.101, 67.16.102, 67.16.105, 67.16.140, 67.16.160, 67.16.170, 67.16.175, 67.16.251, and 67.16.280; and reenacting and amending RCW 67.16.200.

Referred to Committee on Business, Financial Services & Trade.

ESHB 1423 by House Committee on Transportation (originally sponsored by Donaghy, Leavitt, Stearns, Davis, Berry, Richards, Fitzgibbon, Ryu, Bronoske, Duerr, Peterson, Reed, Ramel, Doglio, Tharinger, Cortes, Fosse, and Pollet)

AN ACT Relating to authorizing the use of automated vehicle noise enforcement cameras in vehicle-racing camera enforcement zones; amending RCW 46.63.210, 70A.20.070, 46.63.220, 46.63.030, and 46.63.075; reenacting and amending RCW 46.16A.120; adding a new section to chapter 46.63 RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Transportation.

2SHB 1497 by House Committee on Appropriations (originally sponsored by Doglio, Reeves, Berry, Reed, Parshley, Ramel, Pollet, Hill, and Scott)

AN ACT Relating to improving outcomes associated with waste material management systems, including organic materials management systems; amending RCW 70A.207.050, 70A.205.540, 70A.205.545, 15.64.060, and 28A.235.180; reenacting and amending RCW 43.21B.110; adding new sections to chapter 70A.205 RCW; adding a new section to chapter 19.27 RCW; adding new sections to chapter 28A.235 RCW; adding a new section to chapter 70A.455 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

2SHB 1515 by House Committee on Appropriations (originally sponsored by Reed, Walen, Berry, Cortes, Peterson, Richards, Ryu, Macri, Hill, and Scott)

AN ACT Relating to modernizing the regulation of alcohol service in public spaces; amending RCW 66.24.380, 66.24.710, 66.08.030, 66.44.100, and 66.24.690; creating new sections; prescribing penalties; and providing an expiration date.

Referred to Committee on Labor & Commerce.

ESHB 1522 by House Committee on Environment & Energy (originally sponsored by Dent, Reeves, Springer, and Hill)

AN ACT Relating to approval of electric utility wildfire mitigation plans; amending RCW 80.24.010; adding a new

section to chapter 80.28 RCW; creating a new section; and repealing RCW 80.28.440.

Referred to Committee on Environment, Energy & Technology.

ESHB 1531 by House Committee on Health Care & Wellness (originally sponsored by Bronoske, Berry, Ramel, Reed, Duerr, Kloba, Macri, Parshley, Peterson, Ormsby, Pollet, Scott, Doglio, Hill, and Simmons)

AN ACT Relating to preserving the ability of public officials to address communicable diseases using scientifically proven measures to control the spread of such diseases; adding a new section to chapter 70.54 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health & Long-Term Care.

E2SHB 1563 by House Committee on Appropriations (originally sponsored by Bernbaum, Dent, Timmons, Orcutt, Nance, Reeves, Hackney, Tharinger, Ybarra, Springer, Reed, Fitzgibbon, Cortes, Hill, Obras, Lekanoff, Paul, McClintock, Couture, Griffey, Berry, Leavitt, Zahn, and Scott)

AN ACT Relating to a prescribed fire claims fund pilot program; amending RCW 4.92.220; adding a new section to chapter 76.04 RCW; creating new sections; providing expiration dates; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1573 by Representatives Parshley, Hunt, Doglio, and Reed

AN ACT Relating to revising the period in which the oath of office must be taken for elective offices of counties, cities, towns, and special purpose districts; and amending RCW 29A.60.280.

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

2SHB 1587 by House Committee on Appropriations (originally sponsored by Bergquist, Rude, Reed, Pollet, Reeves, Zahn, Timmons, Doglio, Salahuddin, and Nance)

AN ACT Relating to encouraging local government partner promise scholarship programs within the Washington state opportunity scholarship program; amending RCW 28B.145.050 and 28B.145.070; adding new sections to chapter 28B.145 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

E2SHB 1589 by House Committee on Appropriations (originally sponsored by Bronoske, Macri, Shavers, Pollet, and Reed)

AN ACT Relating to the relationships between health carriers and contracting providers; adding new sections to chapter 48.43 RCW; creating new sections; prescribing penalties; providing an effective date; and providing an expiration date.

Referred to Committee on Health & Long-Term Care.

ESHB 1610 by House Committee on State Government & Tribal Relations (originally sponsored by Hunt, Doglio, Fitzgibbon, Parshley, Duerr, and Zahn)

AN ACT Relating to the disclosure of critical energy infrastructure information; and amending RCW 42.56.420.

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

ESHB 1620 by House Committee on Civil Rights & Judiciary (originally sponsored by Taylor, Goodman, Reed, and Hill)

AN ACT Relating to limitations in parenting plans; amending RCW 26.09.191, 11.130.215, 26.09.187, 26.09.194, 26.09.260, 26.09.520, and 26.12.177; reenacting and amending RCW 26.51.020; and adding new sections to chapter 26.09 RCW.

Referred to Committee on Law & Justice.

ESHB 1622 by House Committee on Appropriations (originally sponsored by Parshley, Doglio, Fosse, Ramel, Ortiz-Self, Bergquist, Couture, Timmons, Obras, Reed, Bronoske, Bernbaum, Low, Nance, Schmidt, Simmons, Cortes, Stonier, Farivar, Scott, Peterson, Macri, Paul, Mena, Tharinger, Stearns, Berry, Donaghy, Gregerson, Taylor, Goodman, Hill, Kloba, Fitzgibbon, Salahuddin, Caldier, Thai, Fey, Davis, Shavers, Santos, Hunt, Griffey, Richards, Duerr, Zahn, and Thomas)

AN ACT Relating to allowing bargaining over matters related to the use of artificial intelligence; amending RCW 41.56.021, 41.80.005, 41.80.040, and 41.80.430; adding a new section to chapter 41.56 RCW; adding a new section to chapter 41.80 RCW; and creating new sections.

Referred to Committee on Labor & Commerce.

ESHB 1651 by House Committee on Education (originally sponsored by Ortiz-Self, Reed, and Eslick)

AN ACT Relating to teacher residency and apprenticeship programs; adding new sections to chapter 28A.410 RCW; and adding a new section to chapter 49.04 RCW.

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

ESHB 1718 by House Committee on Health Care & Wellness (originally sponsored by Thai, Shavers, Parshley, Zahn, and Scott)

AN ACT Relating to well-being programs for certain health care professionals; amending RCW 18.130.020 and 18.130.070; and adding a new section to chapter 18.130 RCW.

Referred to Committee on Health & Long-Term Care.

HB 1722 by Representatives Connors, Schmidt, Dufault, and Barnard

AN ACT Relating to state restrictions affecting 16 and 17 year old students participating in secondary career and technical education programs and other state-approved career pathways; adding a new section to chapter 18.73 RCW; adding a new section to chapter 43.43 RCW; adding

a new section to chapter 49.12 RCW; and creating a new section.

Referred to Committee on Higher Education & Workforce Development.

HB 1755 by Representatives Street, Macri, Schmick, Parshley, Thai, Salahuddin, Ormsby, Stonier, and Reed
AN ACT Relating to exempting elective percutaneous coronary intervention performed in certain hospitals owned or operated by a state entity from certificate of need requirements; and reenacting and amending RCW 70.38.111.

Referred to Committee on Health & Long-Term Care.

EHB 1814 by Representatives Fitzgibbon, Duerr, Berry, Parshley, Ramel, and Macri
AN ACT Relating to streamlining certain decisions pertaining to the development or extension of a trail or path from the state environmental policy act; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Environment, Energy & Technology.

SHB 1821 by House Committee on Labor & Workplace Standards (originally sponsored by Cortes, Stonier, Doglio, Berry, Parshley, Street, Obras, Ormsby, Macri, Fosse, Scott, and Pollet)
AN ACT Relating to expanding the definition of "interested party" for the purposes of prevailing wage laws; amending RCW 39.12.010, 39.12.010, and 39.12.120; providing an effective date; and providing an expiration date.

Referred to Committee on Labor & Commerce.

ESHB 1923 by House Committee on Transportation (originally sponsored by Nance, Berry, Fitzgibbon, Simmons, Richards, Thomas, Scott, Parshley, Pollet, Shavers, and Davis)
AN ACT Relating to increasing the availability of passenger-only ferries by establishing the mosquito fleet act; amending RCW 36.57A.222; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1947 by Representatives Engell, Springer, Ley, Schmick, Abell, and Couture
AN ACT Relating to reducing satellite management agency requirements for simple group B public water systems; and amending RCW 70A.125.060.

Referred to Committee on Agriculture & Natural Resources.

SHB 1969 by House Committee on Appropriations (originally sponsored by Burnett, Low, Griffey, Graham, Dent, Ley, Volz, Schmidt, Berg, Schmick, Leavitt, Klicker, Keaton, Eslick, and Barkis)
AN ACT Relating to the law enforcement aviation support grant program; adding a new section to chapter 38.52 RCW; and creating a new section.

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

ESHB 1971 by House Committee on Health Care & Wellness (originally sponsored by Macri, Doglio, Parshley, Berry, Ramel, Ormsby, Pollet, Scott, and Hill)
AN ACT Relating to increasing access to prescription hormone therapy to patients of all ages by requiring health plans to provide reimbursement for a 12-month refill of prescription hormone therapy obtained at one time by an enrollee; reenacting and amending RCW 41.05.017; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health & Long-Term Care.

SHJM 4001 by House Committee on Transportation (originally sponsored by Fey, Dufault, and Barkis)
Concerning Russ Blount memorial bridge naming.

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 seventh order of business.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Bateman moved that Uriel R. Iniguez, Senate Gubernatorial Appointment No. 9000, be confirmed as a member of the Eastern Washington University Board of Trustees.

Senator Bateman spoke in favor of the motion.

MOTION

On motion of Senator Nobles, Senator Hansen was excused.

APPOINTMENT OF URIEL R. INIGUEZ

The President declared the question before the Senate to be the confirmation of Uriel R. Iniguez, Senate Gubernatorial Appointment No. 9000, as a member of the Eastern Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Uriel R. Iniguez, Senate Gubernatorial Appointment No. 9000, as a member of the Eastern Washington University Board of Trustees 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.

Uriel R. Iniguez, Senate Gubernatorial Appointment No. 9000, having received the constitutional majority was declared confirmed as a member of the Eastern Washington University Board of Trustees.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Pedersen moved that Constance W. Rice, Senate Gubernatorial Appointment No. 9001, be confirmed as a member of the University of Washington Board of Regents.

Senator Pedersen spoke in favor of the motion.

APPOINTMENT OF CONSTANCE W. RICE

The President declared the question before the Senate to be the confirmation of Constance W. Rice, Senate Gubernatorial Appointment No. 9001, as a member of the University of Washington Board of Regents.

The Secretary called the roll on the confirmation of Constance W. Rice, Senate Gubernatorial Appointment No. 9001, as a member of the University of Washington Board of Regents 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.

Constance W. Rice, Senate Gubernatorial Appointment No. 9001, having received the constitutional majority was declared confirmed as a member of the University of Washington Board of Regents.

THIRD READING
CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Valdez moved that Jeffrey J. Hensler, Senate Gubernatorial Appointment No. 9003, be confirmed as a member of the Central Washington University Board of Trustees.

Senator Valdez spoke in favor of the motion.

APPOINTMENT OF JEFFREY J. HENSLER

The President declared the question before the Senate to be the confirmation of Jeffrey J. Hensler, Senate Gubernatorial Appointment No. 9003, as a member of the Central Washington University Board of Trustees.

The Secretary called the roll on the confirmation of Jeffrey J. Hensler, Senate Gubernatorial Appointment No. 9003, as a member of the Central Washington University Board of Trustees 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.

Jeffrey J. Hensler, Senate Gubernatorial Appointment No. 9003, having received the constitutional majority was declared confirmed as a member of the Central Washington University Board of Trustees.

MOTION

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

SECOND READING

SENATE BILL NO. 5337, by Senators Orwall, Frame, Hasegawa, Lovick, and Nobles

Creating a certification for memory care services.

MOTIONS

On motion of Senator Orwall, Second Substitute Senate Bill No. 5337 was substituted for Senate Bill No. 5337 and the substitute bill was placed on the second reading and read the second time.

Senator Orwall moved that the following floor amendment no. 0129 by Senator Orwall be adopted:

On page 6, line 23, after "rules." insert "The department shall set initial and annual certification fees to be compensatory to the cost of the program."

On page 13, line 17, after "(2)" strike "(a)"

On page 13, at the beginning of line 29, strike "(b)" and insert "(a)"

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

On page 13, line 38, after "in" strike "scope of services"

On page 14, beginning on line 1, after "in" strike all material through "services or" on line 2

On page 16, after line 18, insert the following:

"NEW SECTION. **Sec. 10.** Nothing in this act is intended to prohibit assisted living facilities from providing care to residents with dementia in an assisted living setting without restricted egress, so long as the assisted living facility is not representing themselves out as a memory care facility, or otherwise representing to the public, clients, prospective clients, or the client or prospective client's representative that memory care is a specialty of the facility without certification outlined in section 2 of this act.

NEW SECTION. **Sec. 11.** Nothing in this act shall be construed as replacing any requirements as outlined in chapter 70.129 RCW."

On page 1, line 4 of the title, after "creating" strike "a new section" and insert "new sections"

Senators Orwall and Muzzall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0129 by Senator Orwall on page 6, line 23 to Second Substitute Senate Bill No. 5337.

The motion by Senator Orwall carried and floor amendment no. 0129 was adopted by voice vote.

MOTION

On motion of Senator Orwall, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5337 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Orwall and Muzzall spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5337.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5337 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 SECOND SUBSTITUTE SENATE BILL NO. 5337, 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. 5083, by Senators Robinson, Harris, Liias, Nobles, Salomon, and Valdez

Ensuring access to primary care, behavioral health, and affordable hospital services.

MOTIONS

On motion of Senator Robinson, Second Substitute Senate Bill No. 5083 was substituted for Senate Bill No. 5083 and the substitute bill was placed on the second reading and read the second time.

Senator Robinson moved that the following floor amendment no. 0155 by Senator Robinson be adopted:

On page 3, line 5, after "as" strike "critical access hospitals or"

On page 3, at the beginning of line 6, after "hospitals" insert "that are receiving enhanced rates under RCW 74.09.5225(3)(a) or critical access hospitals"

Senators Robinson and Muzzall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0155 by Senator Robinson on page 3, line 5 to Second Substitute Senate Bill No. 5083.

The motion by Senator Robinson carried and floor amendment no. 0155 was adopted by voice vote.

MOTION

On motion of Senator Robinson, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5083 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson spoke in favor of passage of the bill.

Senators Muzzall, Warnick, Goehner 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. 5083.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5083 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. 5083, 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. 5594, by Senators Harris, Cleveland, Hasegawa, and Shewmake

Concerning biosimilar medicines.

MOTION

On motion of Senator Harris, Substitute Senate Bill No. 5594 was substituted for Senate Bill No. 5594 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5594, by Senate Committee on Health & Long-Term Care (originally sponsored by Harris, Cleveland, Hasegawa, and Shewmake)

Revised for 1st Substitute: Concerning biosimilar medicines.

The measure was read the second time.

MOTION

Senator Harris moved that the following striking floor amendment no. 0189 by Senator Harris be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.43.420 and 2019 c 171 s 3 are each amended to read as follows:

For health plans delivered, issued for delivery, or renewed on or after January 1, 2021:

(1) When coverage of a prescription drug for the treatment of

any medical condition is subject to prescription drug utilization management, the patient and prescribing practitioner must have access to a clear, readily accessible, and convenient process to request an exception through which the prescription drug utilization management can be overridden in favor of coverage of a prescription drug prescribed by a treating health care provider. A health carrier or prescription drug utilization management entity may use its existing medical exceptions process to satisfy this requirement. The process must be easily accessible on the health carrier and prescription drug utilization management entity's website. Approval criteria must be clearly posted on the health carrier and prescription drug utilization management entity's website. This information must be in plain language and understandable to providers and patients.

(2) Health carriers must disclose all rules and criteria related to the prescription drug utilization management process to all participating providers, including the specific information and documentation that must be submitted by a health care provider or patient to be considered a complete exception request.

(3) An exception request must be granted if the health carrier or prescription drug utilization management entity determines that the evidence submitted by the provider or patient is sufficient to establish that:

(a) The required prescription drug is contraindicated or will likely cause a clinically predictable adverse reaction by the patient;

(b) The required prescription drug is expected to be ineffective based on the known clinical characteristics of the patient and the known characteristics of the prescription drug regimen;

(c) The patient has tried the required prescription drug or another prescription drug in the same pharmacologic class or a drug with the same mechanism of action while under his or her current or a previous health plan, and such prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event;

(d) The patient is currently experiencing a positive therapeutic outcome on a prescription drug recommended by the patient's provider for the medical condition under consideration while on his or her current or immediately preceding health plan, and changing to the required prescription drug may cause clinically predictable adverse reactions, or physical or mental harm to, the patient; or

(e) The required prescription drug is not in the best interest of the patient, based on documentation of medical appropriateness, because the patient's use of the prescription drug is expected to:

(i) Create a barrier to the patient's adherence to or compliance with the patient's plan of care;

(ii) Negatively impact a comorbid condition of the patient;

(iii) Cause a clinically predictable negative drug interaction; or

(iv) Decrease the patient's ability to achieve or maintain reasonable functional ability in performing daily activities.

(4) Upon the granting of an exception, the health carrier or prescription drug utilization management entity shall authorize coverage for the prescription drug prescribed by the patient's treating health care provider.

(5)(a) For nonurgent exception requests, the health carrier or prescription drug utilization management entity must:

(i) Within three business days notify the treating health care provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception request, if the information provided is not sufficient to approve or deny the request; and

(ii) Within three business days of receipt of sufficient information from the treating health care provider as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions referenced in subsection (3) of this section or if deemed medically appropriate, or deny a request if the requested service does not meet at least one of the conditions referenced in subsection (3) of this section.

(b) For urgent exception requests, the health carrier or prescription drug utilization management entity must:

(i) Within one business day notify the treating health care provider that additional information, as disclosed under subsection (2) of this section, is required in order to approve or deny the exception request, if the information provided is not sufficient to approve or deny the request; and

(ii) Within one business day of receipt of sufficient information from the treating health care provider as disclosed under subsection (2) of this section, approve a request if the information provided meets at least one of the conditions referenced in subsection (3) of this section or if deemed medically appropriate, or deny a request if the requested service does not meet at least one of the conditions referenced in subsection (3) of this section.

(c) If a response by a health carrier or prescription drug utilization management entity is not received within the time frames established under this section, the exception request is deemed granted.

(d) For purposes of this subsection, exception requests are considered urgent when an enrollee is experiencing a health condition that may seriously jeopardize the enrollee's life, health, or ability to regain maximum function, or when an enrollee is undergoing a current course of treatment using a nonformulary drug.

(6) Health carriers must cover an emergency supply fill if a treating health care provider determines an emergency fill is necessary to keep the patient stable while the exception request is being processed. This exception shall not be used to solely justify any further exemption.

(7) When responding to a prescription drug utilization management exception request, a health carrier or prescription drug utilization management entity shall clearly state in their response if the exception request was approved or denied. The health carrier must use clinical review criteria as referenced in RCW 48.43.410 for the basis of any denial. Any denial must be based upon and include the specific clinical review criteria relied upon for the denial and include information regarding how to appeal denial of the exception request. If the exception request from a treating health care provider is denied for administrative reasons, or for not including all the necessary information, the health carrier or prescription drug utilization management entity must inform the provider what additional information is needed and the deadline for its submission.

(8) The health carrier or prescription drug utilization management entity must permit a stabilized patient to remain on a drug during an exception request process.

(9) A health carrier must provide sixty days' notice to providers and patients for any new policies or procedures applicable to prescription drug utilization management protocols. New health carrier policies or procedures may not be applied retroactively.

(10) This section does not prevent:

(a) A health carrier or prescription drug utilization management entity from requiring a patient to try an AB-rated generic equivalent or a biological product that is an interchangeable biological product prior to providing coverage for the equivalent branded prescription drug;

(b) Beginning January 1, 2026, a health carrier or prescription drug utilization management entity from requiring a patient to try a biosimilar prior to providing coverage for the equivalent branded prescription drug;

(c) A health carrier or prescription drug utilization management entity from denying an exception for a drug that has been removed from the market due to safety concerns from the federal food and drug administration; or

(((~~(c)~~))) (d) A health care provider from prescribing a prescription drug that is determined to be medically appropriate.

Sec. 2. RCW 41.05.410 and 2021 c 246 s 6 are each amended to read as follows:

(1) The authority, in consultation with the health benefit exchange, must contract with one or more health carriers to offer qualified health plans on the Washington health benefit exchange for plan years beginning in 2021. A health carrier contracting with the authority under this section must offer at least one bronze, one silver, and one gold qualified health plan in a single county or in multiple counties. The goal of the procurement conducted under this section is to have a choice of qualified health plans under this section offered in every county in the state. The authority may not execute a contract with an apparently successful bidder under this section until after the insurance commissioner has given final approval of the health carrier's rates and forms pertaining to the health plan to be offered under this section and certification of the health plan under RCW 43.71.065.

(2) A qualified health plan offered under this section must meet the following criteria:

(a) The qualified health plan must be a standardized health plan established under RCW 43.71.095;

(b) The qualified health plan must meet all requirements for qualified health plan certification under RCW 43.71.065 including, but not limited to, requirements relating to rate review and network adequacy;

(c) The qualified health plan must incorporate recommendations of the Robert Bree collaborative and the health technology assessment program;

(d) The qualified health plan may use an integrated delivery system or a managed care model that includes care coordination or care management to enrollees as appropriate;

(e) The qualified health plan must meet additional participation requirements to reduce barriers to maintaining and improving health and align to state agency value-based purchasing. These requirements may include, but are not limited to, standards for population health management; high-value, proven care; health equity; primary care; care coordination and chronic disease management; wellness and prevention; prevention of wasteful and harmful care; and patient engagement;

(f) To reduce administrative burden and increase transparency, the qualified health plan's utilization review processes must:

(i) Be focused on care that has high variation, high cost, or low evidence of clinical effectiveness; and

(ii) Meet national accreditation standards;

(g) The total amount the qualified health plan reimburses providers and facilities for all covered benefits in the statewide aggregate, excluding pharmacy benefits, may not exceed one hundred sixty percent of the total amount medicare would have reimbursed providers and facilities for the same or similar services in the statewide aggregate;

(h) For services provided by rural hospitals certified by the centers for medicare and medicaid services as critical access hospitals or sole community hospitals, the rates may not be less than one hundred one percent of allowable costs as defined by the United States centers for medicare and medicaid services for purposes of medicare cost reporting;

(i) Reimbursement for primary care services, as defined by the authority, provided by a physician with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine, may not be less than one hundred thirty-five percent of the amount that would have been reimbursed under the medicare program for the same or similar services; and

(j) The qualified health plan must comply with any requirements established by the authority to address amounts expended on pharmacy benefits including, but not limited to, increasing generic and biosimilar utilization and use of evidence-based formularies.

(3)(a) At the request of the authority for monitoring, enforcement, or program and quality improvement activities, a qualified health plan offered under this section must provide cost and quality of care information and data to the authority, and may not enter into an agreement with a provider or third party that would restrict the qualified health plan from providing this information or data.

(b) Pursuant to RCW 42.56.650, any cost or quality information or data submitted to the authority is exempt from public disclosure.

(4) Nothing in this section prohibits a health carrier offering qualified health plans under this section from offering other health plans in the individual market.

Sec. 3. RCW 69.41.120 and 2015 c 242 s 2 are each amended to read as follows:

(1) ((~~Every drug prescription shall contain an instruction on whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted in its place, unless substitution is permitted under a prior consent authorization.~~

~~If a written prescription is involved, the prescription must be legible and the form shall have two signature lines at opposite ends on the bottom of the form. Under the line at the right side shall be clearly printed the words "DISPENSE AS WRITTEN." Under the line at the left side shall be clearly printed the words "SUBSTITUTION PERMITTED." The practitioner shall communicate the instructions to the pharmacist by signing the appropriate line. No prescription shall be valid without the signature of the practitioner on one of these lines. In the case of a prescription issued by a practitioner in another state that uses a one-line prescription form or variation thereof, the pharmacist may substitute a therapeutically equivalent generic drug or interchangeable biological product unless otherwise instructed by the practitioner through the use of the words "dispense as written," words of similar meaning, or some other indication.~~

~~(2) If an oral prescription is involved, the practitioner or the practitioner's agent shall instruct the pharmacist as to whether or not a therapeutically equivalent generic drug or interchangeable biological product may be substituted in its place. The pharmacist shall note the instructions on the file copy of the prescription.~~

~~(3)~~)) A pharmacist may substitute a therapeutically equivalent drug or interchangeable biological product unless otherwise instructed by the practitioner through the use of words "dispense as written," words of a similar meaning, or some other equivalent indication.

(2) If an oral prescription is involved, a pharmacist may substitute a therapeutically equivalent generic drug or interchangeable biological product in its place unless the practitioner or the practitioner's agent instructs the pharmacist not to substitute. The pharmacist shall note the instructions on the file copy of the prescription.

(3) The pharmacist shall note the manufacturer of the drug dispensed on the file copy of a written or oral prescription, unless this information is maintained in a separate record that is readily retrievable by the pharmacist.

(4) The pharmacist shall retain the file copy of a written or oral prescription for the same period of time specified in RCW 18.64.245 for retention of prescription records.

Sec. 4. RCW 69.41.125 and 2015 c 242 s 3 are each amended to read as follows:

Unless the prescribed biological product is requested by the patient or the patient's representative, ((~~if "substitution permitted" is marked on the prescription as provided in RCW 69.41.120~~)) or the prescriber has indicated substitution is not permitted in accordance with RCW 69.41.120, the pharmacist ((~~must~~)) may substitute an interchangeable biological product that he or she has in stock for the biological product prescribed if the ((~~wholesale price for the interchangeable biological product to the pharmacist is less than the wholesale price~~)) consumer's out-of-pocket cost for the interchangeable biological product is less than the consumer's out-of-pocket cost for the biological product prescribed."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "reducing prescription drug costs by eliminating barriers impeding access to biosimilar medicines and interchangeable biological products; and amending RCW 48.43.420, 41.05.410, 69.41.120, and 69.41.125."

Senators Harris and Cleveland 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. 0189 by Senator Harris to Substitute Senate Bill No. 5594.

The motion by Senator Harris carried and striking floor amendment no. 0189 was adopted by voice vote.

MOTION

On motion of Senator Harris, the rules were suspended, Engrossed Substitute Senate Bill No. 5594 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5594, by Senate Committee on Health & Long-Term Care (originally sponsored by Harris, Cleveland, Hasegawa, and Shewmake)

Revised for Engrossed: Concerning biosimilar medicines and interchangeable biological products.

Senators Harris and Cleveland 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. 5594.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5594 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. 5594, 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. 5291, by Senators Conway, Saldaña, Cleveland, Frame, Nobles, Stanford, Valdez, and Wilson, C.

Implementing the recommendations of the long-term services and supports trust commission.

MOTIONS

On motion of Senator Conway, Substitute Senate Bill No. 5291 was substituted for Senate Bill No. 5291 and the substitute bill was placed on the second reading and read the second time.

Senator Conway moved that the following floor amendment no. 0165 by Senator Conway be adopted:

On page 4, line 12, after "(s)" strike "Nursing home services" and insert "((~~Nursing home services~~)) Long-term services and supports provided in nursing homes"

On page 7, line 28, after "Washington;" strike "and" and insert "((~~and~~))"

On page 7, line 31, after "program" insert "; and

(l) Establish, by rule, the scope of the long-term services and supports identified in RCW 50B.04.010(2) that may be an approved service and identify the types of goods and services that are and are not covered under each approved service in order to maximize usage of all available public and private benefits for eligible beneficiaries"

On page 33, line 2, after "and the" strike "department of health" and insert "health care authority"

On page 51, line 31, after "through" strike "38" and insert "39"

On page 51, line 33, after "12" strike "and 13" and insert "through 14"

On page 52, beginning on line 1, after "11," strike all material through "39" on line 2 and insert "15, 16, and 40"

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0165 by Senator Conway on page 4, line 12 to Substitute Senate Bill No. 5291.

The motion by Senator Conway carried and floor amendment no. 0165 was adopted by voice vote.

MOTION

Senator King moved that the following floor amendment no. 0136 by Senator King be adopted:

Beginning on page 42, line 36, strike all of section 29 and insert the following:

"NEW SECTION. **Sec. 29.** Within 30 business days after receipt of all the requested additional information, an insurer must pay a claim for benefits under a supplemental long-term care insurance policy or certificate if it is a clean claim, or send a written notice that the insurer is declining to pay all or part of the claim and the specific reason or reasons for denial."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 0136 by Senator King on page 42, line 36 to Substitute Senate Bill No. 5291.

The motion by Senator King carried and floor amendment no. 0136 was adopted by voice vote.

MOTION

On motion of Senator Conway, the rules were suspended, Engrossed Substitute Senate Bill No. 5291 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Conway, King, Saldaña and Harris 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. 5291.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 38; Nays, 11; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced students from Parkside Elementary School in Des Moines who were seated in the gallery. The students were guests of Senator Robinson.

SECOND READING

SENATE BILL NO. 5412, by Senators Robinson, Chapman, Nobles, and Saldaña

Providing temporary interfund loans for school districts.

MOTION

On motion of Senator Robinson, Substitute Senate Bill No. 5412 was substituted for Senate Bill No. 5412 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5412, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Robinson, Chapman, Nobles, and Saldaña)

Providing temporary interfund loans for school districts.

The measure was read the second time.

MOTION

On motion of Senator Robinson, the rules were suspended, Substitute Senate Bill No. 5412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Robinson spoke in favor of passage of the bill.

Senator Harris spoke on passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5412.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5412 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, Kauffman, Krishnadasan, Liias, Lovelett, Lovick, Muzzall, 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, Hasegawa, Holy, King, MacEwen, McCune, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

SUBSTITUTE SENATE BILL NO. 5412, 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. 5493, by Senators Riccelli, Robinson, Conway, Nobles, Ramos, Stanford, Valdez, and Wilson, C.

Concerning hospital price transparency.

MOTION

On motion of Senator Riccelli, Substitute Senate Bill No. 5493 was substituted for Senate Bill No. 5493 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5493, by Senate Committee on Health & Long-Term Care (originally sponsored by Riccelli, Robinson, Conway, Nobles, Ramos, Stanford, Valdez, and Wilson, C.)

Concerning hospital price transparency.

The measure was read the second time.

MOTION

On motion of Senator Riccelli, the rules were suspended, Substitute Senate Bill No. 5493 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Riccelli and Muzzall 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. 5493.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5493 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. 5493, 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. 5764, by Senators Gildon, Dozier, and Robinson

Repealing the expiration date for the ambulance transport fund.

The measure was read the second time.

MOTION

On motion of Senator Gildon, the rules were suspended, Senate Bill No. 5764 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Gildon 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. 5764.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5764 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. 5764, 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. 5368, by Senator Chapman

Studying taxes and fees related to alcohol.

MOTIONS

On motion of Senator Riccelli, Substitute Senate Bill No. 5368 was substituted for Senate Bill No. 5368 and the substitute bill was placed on the second reading and read the second time.

Senator Saldaña moved that the following striking floor amendment no. 0197 by Senator Saldaña be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The Washington state institute for public policy must conduct a study regarding Washington state's current system of alcohol taxation and fees and produce a final report as described in this section. The report is specific to taxes and fees where the amount of the tax or fee is based on the sales price, sales volume, or alcohol content of the alcohol product.

(2) The final report must include the following information:

(a) The specific types of state taxes and fees applicable to spirits, beer, and wine, by product category, and including general taxes such as sales and business and occupation taxes;

(b) Current and historical tax and fee rates by tax or fee type;

(c) Annual sales in the state of spirits, wine, and beer in total and per capita over the past five years;

(d) Annual spirits, wine, and beer tax and fee revenues generated in the state over the past five years in total and by tax or fee type;

(e) Annual spirits, wine, and beer tax and fee revenues per capita generated in the state over the past five years in total and by tax or fee type;

(f) To the extent practicable, all of the following:

(i) An analysis of total and per capita spirits sales and related tax and fee revenues in other states, differentiated by whether the sale of off-premises spirits is controlled by the state or allowed by licensed private entities;

(ii) An analysis of total and per capita spirits sales and related tax and fee revenues in other states and countries differentiated by whether spirits taxation is based on volume, price, or alcohol content;

(iii) An analysis of total and per capita spirits, beer, and wine sales and tax and fee revenues in this state and other states by each applicable unit of measurement of alcohol content and volume, differentiated by product category;

(iv) The information required in (c), (d), and (e) of this subsection ranging from 2008 to 2020;

(v) Estimated costs to transition to a tax system in the state where tax rates are determined solely by the alcohol content of products, the estimated annual costs to administer this system, and the estimated tax revenue of this system;

(vi) Estimated tax rates for spirits, beer, and wine that would have to be applied to maintain a revenue neutral tax system in the state if tax rates were based solely on the alcohol content of products; and

(vii) An analysis of the economic impact of the state's breweries, wineries, and distilleries, and potential changes to the economic impact if tax rates were based solely on the alcohol content of products. For the purposes of this subsection, "economic impact" includes the number and average wage of local jobs.

(3) The Washington state institute for public policy must submit a final report to the relevant committees of the legislature by June 30, 2026.

(4) The liquor and cannabis board and department of revenue must cooperate with the Washington state institute for public policy to provide data relevant to this study.

(5) This section expires July 1, 2026."

On page 1, line 1 of the title, after "alcohol;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

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

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0197 by Senator Saldaña to Substitute Senate Bill No. 5368.

The motion by Senator Saldaña carried and striking floor amendment no. 0197 was adopted by voice vote.

MOTION

On motion of Senator Chapman, the rules were suspended, Engrossed Substitute Senate Bill No. 5368 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Chapman, Wilson, J., Schoesler, Saldaña and Harris 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. 5368.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5368 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Senators Christian, Hasegawa, Lovelett, McCune and Short

ENGROSSED SUBSTITUTE SENATE BILL NO. 5368, 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. 5169, by Senators Nobles, Dhingra, Trudeau, and Wilson, C.

Concerning testimony of children.

MOTION

On motion of Senator Nobles, Substitute Senate Bill No. 5169 was substituted for Senate Bill No. 5169 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5169, by Senate Committee on Law & Justice (originally sponsored by Nobles, Dhingra, Trudeau, and Wilson, C.)

Concerning testimony of children.

The measure was read the second time.

MOTION

On motion of Senator Nobles, the rules were suspended, Substitute Senate Bill No. 5169 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Holy 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. 5169.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5169 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. 5169, 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. 5773, by Senators Liias, and King

Concerning alternative procurement and delivery models for transportation projects.

MOTION

On motion of Senator Liias, Substitute Senate Bill No. 5773 was substituted for Senate Bill No. 5773 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5773, by Senate Committee on Transportation (originally sponsored by Liias, and King)

Concerning alternative procurement and delivery models for transportation projects.

The measure was read the second time.

MOTION

On motion of Senator Liias, the rules were suspended, Substitute Senate Bill No. 5773 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Liias and King 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. 5773.

ROLL CALL

The Secretary called the roll on the final passage of Substitute

Senate Bill No. 5773 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 1; 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, 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.

Voting nay: Senator Hasegawa

SUBSTITUTE SENATE BILL NO. 5773, 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. 5036, by Senators Boehnke, Chapman, Dozier, Fortunato, Harris, Hasegawa, Short, and Wellman

Strengthening Washington's leadership and accountability on climate policy by transitioning to annual reporting of statewide emissions data.

The measure was read the second time.

MOTION

On motion of Senator Boehnke, the rules were suspended, Senate Bill No. 5036 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Boehnke and Shewmake 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. 5036.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5036 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. 5036, 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. 5390, by Senators Stanford, and Nobles

Updating the cost of the discover pass and day-use permits.

MOTION

On motion of Senator Stanford, Substitute Senate Bill No. 5390 was substituted for Senate Bill No. 5390 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5390, by Senate Committee on Ways & Means (originally sponsored by Stanford, and Nobles)

Revised for 1st Substitute: Concerning the discover pass and distributions.

The measure was read the second time.

MOTION

Senator Torres moved that the following floor amendment no. 0202 by Senator Torres be adopted:

On page 2, line 18, after "(5)" strike "The" and insert "((~~The~~)) (a) Until June 30, 2026, the"

On page 2, line 19, after "numbers." insert the following:

"(b) Beginning July 1, 2026, the discover pass must contain space for three motor vehicle license plate numbers.

(c)"

Senators Torres and Stanford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0202 by Senator Torres on page 2, line 18 to Substitute Senate Bill No. 5390.

The motion by Senator Torres carried and floor amendment no. 0202 was adopted by voice vote.

MOTION

Senator Stanford moved that the following floor amendment no. 0168 by Senator Stanford be adopted:

On page 2, after line 37, insert the following:

"(7) A lifetime disabled veteran pass issued under RCW 79A.05.065(3) is the equivalent of a discover pass for purposes of this chapter, as long as the person to whom the pass was issued is a driver or passenger in the vehicle when accessing a site or lands."

On page 3, after line 27, insert the following:

"Sec. 4. RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each amended to read as follows:

(1) A discover pass, vehicle access pass, lifetime disabled veteran pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:

(a) Operating on any recreation site or lands; or

(b) Parking at any recreation site or lands.

(2) The discover pass, the vehicle access pass, lifetime disabled veteran pass, or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted;

(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements;

(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW

79A.80.040; ((~~or~~))

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate; or

(e) For motor vehicles used for off-road recreation that have been transported to a recreation site or lands managed for off-road recreation by another motor vehicle that: (i) Remains parked at the recreation site or lands; and (ii) displays a pass or permit consistent with the requirements of this chapter.

(3)(a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

(5) The penalty for failure to comply with the requirements of this section is ((~~ninety-nine dollars~~)) $99. This penalty must be reduced to ((~~fifty-nine dollars~~)) $59 if an individual provides, within 15 days after the issuance of the notice of violation, proof of purchase of a discover pass to the court ((~~within fifteen days after the issuance of the notice of violation~~)) or evidence that the individual has obtained a lifetime disabled veteran pass under RCW 79A.05.065(3).

Sec. 5. RCW 79A.05.065 and 2011 c 171 s 115 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a ((~~fifty~~)) 50 percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the senior citizen's pass and who meets the following requirements:

(i) The person is at least ((~~sixty-two~~)) 62 years of age;

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid as long as the senior citizen meets the requirements of (b)(ii) of this subsection. A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director that the holder meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020((~~(3)~~)) (6) due to unemployability full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.19.010 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a ((~~fifty~~)) 50 percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under RCW 46.19.010 may serve as a pass for the holder to entitle that person and members of the person's camping unit to a ((~~fifty~~)) 50 percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(3) Any resident of Washington who is a veteran and has a service-connected disability of at least ((~~thirty~~)) 30 percent shall be entitled to receive a lifetime ((~~veteran's disability~~)) disabled veteran pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (b) entitle such a person to free admission to any state ((~~park; and (c) entitle such a person to an exemption from any reservation fees~~)) recreation site or lands, as defined in RCW 79A.80.010. A lifetime disabled veteran pass entitles the holder to all of the benefits of a discover pass under chapter 79A.80 RCW.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section are valid at all parks any time during the year. However, the pass is not valid for admission to concessionaire operated facilities.

(6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund

reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section at any time for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(10) The commission shall adopt those rules as it finds appropriate for the administration of this section. Among other things, the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass."

On page 1, line 1 of the title, after "Relating to" strike "the discover pass and distributions" and insert "access to a recreation site or lands"

On page 1, line 2 of the title, after "79A.80.020" strike "and 79A.80.090" and insert ", 79A.80.090, 79A.80.080, and 79A.05.065"

Senators Stanford and Torres spoke in favor of adoption of the amendment.

Senator Christian spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0168 by Senator Stanford on page 2, after line 37 to Substitute Senate Bill No. 5390.

The motion by Senator Stanford carried and floor amendment no. 0168 was adopted by voice vote.

MOTION

On motion of Senator Stanford, the rules were suspended, Engrossed Substitute Senate Bill No. 5390 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5390, by Senate Committee on Ways & Means (originally sponsored by Stanford, and Nobles)

Revised for Engrossed: Concerning access to recreation sites or lands.

Senator Stanford spoke in favor of passage of the bill.

Senators Schoesler, Fortunato, Christian and Torres 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. 5390.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5390 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Senators Alvarado, Bateman, Chapman, Cleveland, Conway, Dhingra, Frame, Goehner, Hansen, 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, Cortes, Dozier, Fortunato, Gildon, Harris, Hasegawa, Holy, King, MacEwen, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5390, 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 following the meeting of the Committee on Rules.

MOTION

At 11:50 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 2:00 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5719, by Senators Salomon, and Cortes

Concerning local government hearing examiners.

MOTION

On motion of Senator Riccelli, Substitute Senate Bill No. 5719 was substituted for Senate Bill No. 5719 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5719, by Senate Committee on Local Government (originally sponsored by Salomon, and Cortes)

Concerning local government hearing examiners.

The measure was read the second time.

WITHDRAWAL OF AMENDMENT

On motion of Senator Salomon and without objection, striking floor amendment no. 0171 by Senator Salomon to Substitute Senate Bill No. 5719 was withdrawn.

MOTION

Senator Salomon moved that the following striking floor amendment no. 0203 by Senator Salomon be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 36.70.970 and 1995 c 347 s 425 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and issue recommendations on applications for plat approval and applications for amendments to the zoning ordinance, the county legislative authority of a county that does not plan under RCW 36.70A.040 may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and issue decisions on proposals for plat approval and for amendments to the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, shoreline permits, or any other class of applications for or pertaining to development of land or land use;

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances shall not be required to have a zoning adjuster or board of adjustment.

(2) Each county legislative authority electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner and whether, for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker. Such legal effect may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative authority;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative authority; or

(c) Except in the case of a rezone or development agreement, the decision may be given the effect of a final decision of the legislative authority.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the county's comprehensive plan and the county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70 RCW to read as follows:

(1) The county legislative authority of a county fully planning under chapter 36.70A RCW must adopt a hearing examiner system under which a hearing examiner or hearing examiners hear and issue decisions on proposals for plat approval and for quasi-judicial development permit applications subject to the zoning ordinance. In addition, the legislative authority may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner including, but not limited to:

(a) Appeals of administrative decisions or determinations; and

(b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) Any county which vests in a hearing examiner the authority to hear and decide conditional uses and variances is not required to have a zoning adjuster or board of adjustment.

(5) A county required to secure the services of a hearing examiner under this chapter may, at its discretion, require applicants to cover reasonable costs associated with the hearing examiner's services through application fees or other cost-recovery mechanisms. Any fees imposed under this subsection must be proportionate to the actual costs incurred and publicly disclosed in the jurisdiction's fee schedule.

(6) To enhance cost-effectiveness and improve operational efficiency, a county may enter into interlocal agreements with other jurisdictions or contract with regional or shared hearing examiners, in accordance with the provisions outlined in chapter 39.34 RCW.

(7) Each final decision of a hearing examiner must be in writing and include findings and conclusions, based on the record, to support the decision. Such findings and conclusions must also set forth the manner in which the decision is consistent with the future land use map of adopted comprehensive plans and complies with clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, must be rendered within 10 business days following the conclusion of all testimony and hearings.

(8) In the event of the absence or inability of a hearing examiner to act, the county planning director must document efforts to secure a hearing examiner and provide a written determination that no qualified examiner was reasonably available. The county planning director or other qualified planning official of the county may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the county planning director or other qualified planning official of the county to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(9) A county may establish a process in which an applicant may elect either legislative review or hearing examiner review for any land use application covered under this chapter.

(10) Counties that are required to submit their next comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of this section in their next comprehensive plan update. All other counties must implement the requirements of this section within two years of the effective date of this section.

Sec. 3. RCW 35.63.130 and 1995 c 347 s 423 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city ((~~or county~~)) with a population of 2,000 or less or county

that does not plan under RCW 36.70A.040 may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed by the hearing examiner.

(2) Each city or county legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner and whether, for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) Except in the case of a rezone or development agreement, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's or county's comprehensive plan and the city's or county's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ((~~ten~~)) 10 working days following conclusion of all testimony and hearings.

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.63 RCW to read as follows:

(1) The legislative body of a city with a population greater than 2,000 or county fully planning under chapter 36.70A RCW must adopt a hearing examiner system under which a hearing examiner or hearing examiners hear and decide applications for plat approval and for quasi-judicial development permit applications subject to the zoning ordinance. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner including, but not limited to:

(a) Appeals of administrative decisions or determinations; and

(b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative body shall prescribe procedures to be followed by the hearing examiner.

(5) A city or county required to secure the services of a hearing examiner under this chapter may, at its discretion, require applicants to cover reasonable costs associated with the hearing examiner's services through application fees or other cost-recovery mechanisms. Any fees imposed under this subsection must be proportionate to the actual costs incurred and publicly disclosed in the jurisdiction's fee schedule.

(6) To enhance cost-effectiveness and improve operational efficiency, the legislative body may enter into interlocal agreements with other jurisdictions or contract with regional or shared hearing examiners, in accordance with the provisions outlined in chapter 39.34 RCW.

(7) Each final decision of a hearing examiner must be in writing and include findings and conclusions, based on the record, to support the decision. Such findings and conclusions must also set forth the manner in which the decision is consistent with the future land use map of adopted comprehensive plans and complies with clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, must be rendered within 10 business days following the conclusion of all testimony and hearings.

(8) In the event of the absence or inability of a hearing examiner to act, the city or county planning director must document efforts to secure a hearing examiner and provide a written determination that no qualified examiner was reasonably available. The city or county planning director or other qualified planning official of the city or county may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the city or county planning director or other qualified planning official of the city or county to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(9) A city or county may establish a process in which an applicant may elect either legislative review or hearing examiner review for any land use application covered under this chapter.

(10) Cities or counties that are required to submit their next comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of this section in their next comprehensive plan update. All other cities and counties must implement the requirements of this section within two years of the effective date of this section.

Sec. 5. RCW 35A.63.170 and 1995 c 347 s 424 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter relating to powers or duties of the planning commission to hear and report on any proposal to amend a zoning ordinance, the legislative body of a city with a population of 2,000 or less may adopt a hearing examiner system under which a hearing examiner or hearing examiners may hear and decide applications for amending the zoning ordinance when the amendment which is applied for is not of general applicability. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner, including but not limited to:

(a) Applications for conditional uses, variances, subdivisions, shoreline permits, or any other class of applications for or pertaining to development of land or land use;

(b) Appeals of administrative decisions or determinations; and

(c) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

The legislative body shall prescribe procedures to be followed

by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 shall not apply to the city.

(2) Each city legislative body electing to use a hearing examiner pursuant to this section shall by ordinance specify the legal effect of the decisions made by the examiner and whether, for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker. The legal effect of such decisions may vary for the different classes of applications decided by the examiner but shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) Except in the case of a rezone or development agreement, the decision may be given the effect of a final decision of the legislative body.

(3) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the city's comprehensive plan and the city's development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, shall be rendered within ten working days following conclusion of all testimony and hearings.

NEW SECTION. **Sec. 6.** A new section is added to chapter 35A.63 RCW to read as follows:

(1) The legislative body of a city with a population greater than 2,000 must adopt a hearing examiner system under which a hearing examiner or hearing examiners hear and decide applications for plat approval and for quasi-judicial development permit applications subject to the zoning ordinance. In addition, the legislative body may vest in a hearing examiner the power to hear and decide those issues it believes should be reviewed and decided by a hearing examiner including, but not limited to:

(a) Appeals of administrative decisions or determinations; and

(b) Appeals of administrative decisions or determinations pursuant to chapter 43.21C RCW.

(2) The decision of the hearing examiner constitutes the final decision, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative body shall prescribe procedures to be followed by a hearing examiner. If the legislative authority vests in a hearing examiner the authority to hear and decide variances, then the provisions of RCW 35A.63.110 do not apply to the city.

(5) A city required to secure the services of a hearing examiner under this chapter may, at its discretion, require applicants to cover reasonable costs associated with the hearing examiner's services through application fees or other cost-recovery mechanisms. Any fees imposed under this subsection must be proportionate to the actual costs incurred and publicly disclosed in the jurisdiction's fee schedule.

(6) To enhance cost-effectiveness and improve operational efficiency, the legislative body may enter into interlocal agreements with other jurisdictions or contract with regional or shared hearing examiners, in accordance with the provisions outlined in chapter 39.34 RCW.

(7) Each final decision of a hearing examiner must be in writing and include findings and conclusions, based on the record, to support the decision. Such findings and conclusions must also set forth the manner in which the decision is consistent with the future land use map of the city's comprehensive plan and the city's clear and objective development regulations. Each final decision of a hearing examiner, unless a longer period is mutually agreed to in writing by the applicant and the hearing examiner, must be rendered within 10 business days following the conclusion of all testimony and hearings.

(8) In the event of the absence or inability of a hearing examiner to act, the city planning director must document efforts to secure a hearing examiner and provide a written determination that no qualified examiner was reasonably available. The city planning director or other qualified planning official of the city may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the city planning director or other qualified planning official of the city to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(9) A city may establish a process in which an applicant may elect either legislative review or hearing examiner review for any land use application covered under this chapter.

(10) Cities that are required to submit their next comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of this section in their next comprehensive plan update. All other cities must implement the requirements of this section within two years of the effective date of this section.

Sec. 7. RCW 58.17.330 and 1995 c 347 s 429 are each amended to read as follows:

(1) As an alternative to those provisions of this chapter requiring a planning commission to hear and issue recommendations for plat approval, the county ((~~or city legislative body may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner~~)) legislative body of a county that does not plan under RCW 36.70A.040 or the city legislative body of a city with a population of 2,000 or less may adopt a hearing examiner system and shall specify by ordinance the legal effect of the decisions made by the examiner and whether, for appeals of administrative permit decisions, substantial weight must be given to the expertise of the administrative decision maker. The legal effect of such decisions shall include one of the following:

(a) The decision may be given the effect of a recommendation to the legislative body;

(b) The decision may be given the effect of an administrative decision appealable within a specified time limit to the legislative body; or

(c) The decision may be given the effect of a final decision of the legislative body.

The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(2) Each final decision of a hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, shall be rendered within ((~~ten~~)) 10 working days following conclusion of all testimony and hearings.

NEW SECTION. **Sec. 8.** A new section is added to chapter 58.17 RCW to read as follows:

(1) The county legislative body of a county fully planning under chapter 36.70A RCW or the city legislative body of a city with a population greater than 2,000 must adopt a hearing examiner system for all quasi-judicial land use decisions

including, but not limited to, preliminary plats, planned unit developments, variances, and conditional use approvals.

(2) The decision of the hearing examiner constitutes the final decision on all quasi-judicial permit applications including, but not limited to, preliminary plat, planned unit development, variance, and conditional use applications, subject to appeal under chapter 36.70C RCW.

(3) The legislative body shall adopt procedures to be followed by a hearing examiner ensuring all decisions are consistent with the future land use map of adopted comprehensive plans and comply with clear and objective development regulations.

(4) The legislative authority shall prescribe procedures to be followed by a hearing examiner.

(5) The legislative authority required to secure the services of a hearing examiner under this chapter may, at its discretion, require applicants to cover reasonable costs associated with the hearing examiner's services through application fees or other cost-recovery mechanisms. Any fees imposed under this subsection must be proportionate to the actual costs incurred and publicly disclosed in the jurisdiction's fee schedule.

(6) To enhance cost-effectiveness and improve operational efficiency, the legislative authority may enter into interlocal agreements with other jurisdictions or contract with regional or shared hearing examiners, in accordance with the provisions outlined in chapter 39.34 RCW.

(7) Each final decision of a hearing examiner must be in writing and include findings and conclusions, based on the record, to support the decision. Each final decision of a hearing examiner, unless a longer period is mutually agreed to by the applicant and the hearing examiner, must be rendered within 10 business days following the conclusion of all testimony and hearings.

(8) In the event of the absence or inability of a hearing examiner to act, the city or county planning director must document efforts to secure a hearing examiner and provide a written determination that no qualified examiner was reasonably available. The city or county planning director or other qualified planning official of the city or county may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the city or county planning director or other qualified planning official of the city or county to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(9) A city or county may establish a process in which an applicant may elect either legislative review or hearing examiner review for any land use application covered under this chapter.

(10) Cities or counties that are required to submit their next comprehensive plan update in 2027 pursuant to RCW 36.70A.130 must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls, the requirements of this section in their next comprehensive plan update. All other cities and counties must implement the requirements of this section within two years of the effective date of this section."

On page 1, line 1 of the title, after "examiners;" strike the remainder of the title and insert "amending RCW 36.70.970, 35.63.130, 35A.63.170, and 58.17.330; adding a new section to chapter 36.70 RCW; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 58.17 RCW."

MOTION

Senator Torres moved that the following floor amendment no. 0206 by Senator Torres be adopted:

On page 1, beginning on line 9, after "that" strike all material through "36.70A.040" on line 10 and insert "is a rural county as defined in RCW 82.14.370"

On page 2, beginning on line 23, after "a county" strike all material through "chapter 36.70A RCW" on line 24 and insert "that does not meet the definition of a rural county as defined in RCW 82.14.370"

On page 3, line 27, after "county" strike "planning director" and insert "legislative authority"

On page 3, beginning on line 29, after "county" strike all material through "county" on line 30 and insert "legislative authority"

On page 3, beginning on line 34, after "county" strike all material through "county" on line 35 and insert "legislative authority"

On page 4, line 13, after "of" strike "2,000" and insert "5,000"

On page 4, line 14, after "that" strike "does not plan under RCW 36.70A.040" and insert "is a rural county as defined in RCW 82.14.370"

On page 5, at the beginning of line 19, strike "2,000" and insert "5,000"

On page 5, line 19, after "county" strike "fully planning under chapter 36.70A RCW" and insert "that does not meet the definition of a rural county as defined in RCW 82.14.370"

On page 6, beginning on line 24, strike all material through "examiner." on line 31 and insert the following:

"(a) In a city, the city planning director or other qualified planning official of the city may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the city planning director or other qualified planning official of the city to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(b) In a county, the county legislative authority may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the county legislative authority to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner."

On page 7, line 8, after "of" strike "2,000" and insert "5,000"

On page 8, at the beginning of line 16, strike "2,000" and insert "5,000"

On page 10, line 8, after "that" strike "does not plan under RCW 36.70A.040" and insert "is a rural county as defined in RCW 82.14.370"

On page 10, line 9, after "population of" strike "2,000" and insert "5,000"

On page 10, beginning on line 32, after "a county" strike all material through "36.70A RCW" on line 33 and insert "that does not meet the definition of a rural county as defined in RCW 82.14.370"

On page 10, line 34, after "than" strike "2,000" and insert "5,000"

On page 11, beginning on line 32, strike all material through "examiner." on line 39 and insert the following:

"(a) In a city, the city planning director or other qualified planning official of the city may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the city planning director or other qualified planning official of the city to

assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner.

(b) In a county, the county legislative authority may assume the duties and responsibilities designated to the hearing examiner under this chapter until such time that a hearing examiner is appointed and available to perform those duties. The authority of the county legislative authority to assume the hearing examiner's duties is limited to the duration of the vacancy or unavailability of a hearing examiner."

Senator Torres spoke in favor of adoption of the amendment.

Senator Salomon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0206 by Senator Torres on page 1, line 9 to striking floor amendment no. 0203.

The motion by Senator Torres did not carry and floor amendment no. 0206 was not adopted by voice vote.

MOTION

On motion of Senator Nobles, Senator Wellman was excused.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0203 by Senator Salomon to Substitute Senate Bill No. 5719.

The motion by Senator Salomon carried and striking floor amendment no. 0203 was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute Senate Bill No. 5719 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon and Torres 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. 5719.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5719 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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 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.

Excused: Senator Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5719, 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. 5616, by Senators Hasegawa, Stanford, and Nobles

Concerning the Washington saves administrative trust account.

The measure was read the second time.

MOTION

On motion of Senator Hasegawa, the rules were suspended, Senate Bill No. 5616 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hasegawa and Gildon 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. 5616.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5616 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, 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, Wilson, C. and Wilson, J.

Voting nay: Senator Christian

Excused: Senator Wellman

SENATE BILL NO. 5616, 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. 5576, by Senators Lovelett, Alvarado, Saldaña, Bateman, Salomon, Valdez, Hasegawa, Nobles, Wilson, C., and Ramos

Providing state funding for essential affordable housing programs.

MOTION

On motion of Senator Lovelett, Substitute Senate Bill No. 5576 was substituted for Senate Bill No. 5576 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5576, by Senate Committee on Ways & Means (originally sponsored by Lovelett, Alvarado, Saldaña, Bateman, Salomon, Valdez, Hasegawa, Nobles, Wilson, C., and Ramos)

Revised for 1st Substitute: Providing a local government option for the funding of essential affordable housing programs.

The measure was read the second time.

MOTION

Senator Lovelett moved that the following striking floor amendment no. 0164 by Senator Lovelett be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 82.02 RCW to read as follows:

(1)(a) The legislative body of a county, city, or town may impose a special excise tax on the sale of or charge made for the furnishing of lodging of short-term rentals subject to tax under chapter 82.08 RCW, as provided in this section.

(b) The tax under this section applies exclusively to the sale of or charge made for the furnishing of lodging of short-term rentals facilitated through a short-term rental platform.

(c) The rate of tax under this section is imposed on the sale of, or charge made for, the furnishing of lodging of a short-term rental subject to tax under chapter 82.08 RCW. The rate of tax may not exceed four percent on the sale of or charge made for the furnishing of lodging of short-term rentals. The rate of tax under this section must not be imposed in increments of less than one percent. The department shall perform the collection of the tax on behalf of a county, city, or town imposing the tax at no cost to the county, city, or town.

(d) Any county ordinance or resolution adopted under this section must contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed under this section upon the same taxable event. The legislative authority of any county or any city may impose the tax authorized in this section throughout the county for the county tax and in the corporate limits of the city for the city tax.

(e) Proceeds from the tax must be deposited in the essential affordable housing local assistance account created in subsection (5) of this section. The department must make deposits into the account on a monthly basis on the last business day of the month in which distributions required in subsection (5)(b)(i) of this section are due.

(2)(a) The legislative body of a county, city, or town must adopt a resolution of intent to adopt legislation authorizing the tax under this section before imposing the tax under this section.

(b) Adoption of the resolution of intent and legislation requires simple majority approval of the enacting legislative authority.

(3)(a) Except as provided in (b) of this subsection, moneys collected from the special excise tax under this section must be deposited into a separate fund to be used exclusively for the following purposes:

(i) Acquiring, rehabilitating, or constructing affordable or workforce housing, which may include new units of affordable housing within an existing structure, or facilities providing supportive housing services;

(ii) Funding the operations and maintenance costs of units of affordable, workforce, or supportive housing;

(iii) Providing rental assistance to tenants; or

(iv) Funding the operations of social service organizations and nonprofit organizations dedicated to providing services and assistance related to attaining and maintaining housing including, but not limited to, employment assistance, utilities assistance, nutritional assistance, and child care assistance.

(b) A county, city, or town may retain up to 15 percent of the moneys collected under this section in each calendar year for the direct and indirect costs incurred in the administration of services and programs as provided in (a) of this subsection.

(c) A county, city, or town imposing the tax authorized under this section may enter into an interlocal agreement under chapter 39.34 RCW with another county, city, or town, to jointly undertake projects satisfying the requirements of (b) of this subsection.

(4) Beginning the year after the special excise tax authorized in this section is first collected, a county, city, or town imposing the tax must publish an annual report by March 1st of each year detailing how the revenue from the tax was spent in the prior year. The report must be made available to the public. This may include posting the report on the county's, city's, or town's website.

(5)(a) The essential affordable housing local assistance account is hereby created in the state treasury. All proceeds from the tax authorized under this section must be deposited into the account.

(b) Moneys in the essential affordable housing local assistance account may be withdrawn only for:

(i) Distributions to counties, cities, and towns on a monthly basis; and

(ii) Making refunds of taxes imposed under the authority of this section.

(6) A city, town, or county may not impose the tax authorized under this section before April 1, 2026.

(7) All administrative provisions in chapters 82.08, 82.12, and 82.32 RCW, insofar as they are applicable, apply to the local option tax authorized under this section.

(8) For the purposes of this section:

(a) "Operator" has the same meaning as in RCW 64.37.010.

(b) "Short-term rental" and "short-term rental platform" have the same meanings as in RCW 64.37.010.

Sec. 2. RCW 67.28.181 and 2015 3rd sp.s. c 24 s 703 are each amended to read as follows:

(1) The legislative body of any municipality may impose an excise tax on the sale of or charge made for the furnishing of lodging that is subject to tax under chapter 82.08 RCW. The rate of tax shall not exceed the lesser of two percent or a rate that, when combined with all other taxes imposed upon sales of lodging within the municipality under this chapter and chapters 36.100, ((~~67.40,~~)) 82.08, and 82.14 RCW, equals twelve percent. A tax under this chapter shall not be imposed in increments smaller than tenths of a percent.

(2) Notwithstanding subsection (1) of this section:

(a) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100 or both with a total rate exceeding four percent before July 27, 1997, such total authorization shall continue through January 31, 1999, and thereafter the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 31, 1999.

(b) If a city or town, other than a municipality imposing a tax under (a) of this subsection, is located in a county that imposed taxes under this chapter with a total rate of four percent or more on January 1, 1997, the city or town may not impose a tax under this section.

(c) If a city has a population of ((~~four hundred thousand~~)) 400,000 or more and is located in a county with a population of ((~~one million~~)) 1,000,000 or more, the rate of tax imposed under this chapter by the city shall not exceed the lesser of four percent or a rate that, when combined with all other taxes imposed upon sales of lodging in the municipality under this chapter and chapters 36.100, ((~~67.40,~~)) 82.08, and 82.14 RCW, equals ((~~fifteen and two-tenths~~)) 15.2 percent.

(d) If a municipality was authorized to impose taxes under this chapter or RCW 67.40.100, or both, at a rate equal to six percent before January 1, 1998, the municipality may impose a tax under this section at a rate not exceeding the rate actually imposed by the municipality on January 1, 1998.

(3) Any county ordinance or resolution adopted under this section shall contain a provision allowing a credit against the county tax for the full amount of any city or town tax imposed

under this section upon the same taxable event.

(4) In determining the effective combined rate of tax for purposes of the limit in subsections (1) and (2)(c) of this section, the tax rates under RCW 82.14.530 ((~~is~~)) and section 1 of this act are not included.

Sec. 3. RCW 82.14.410 and 2015 3rd sp.s. c 24 s 704 are each amended to read as follows:

(1) A local sales and use tax change adopted after December 1, 2000, must provide an exemption for those sales of lodging for which, but for the exemption, the total sales tax rate imposed on sales of lodging would exceed the greater of:

(a) Twelve percent; or

(b) The total sales tax rate that would have applied to the sale of lodging if the sale were made on December 1, 2000.

(2) For the purposes of this section:

(a) "Local sales and use tax change" is defined as provided in RCW 82.14.055.

(b) "Sale of lodging" means the sale of or charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property.

(c) "Total sales tax rate" means the combined rates of all state and local taxes imposed under this chapter and chapters 36.100, 67.28, ((~~67.40,~~)) and 82.08 RCW, and any other tax authorized after March 29, 2001, if the tax is in the nature of a sales tax collected from the buyer, but excluding taxes imposed under RCW 81.104.170 before December 1, 2000, ((~~and~~)) taxes imposed under RCW 82.14.530, and taxes imposed under section 1 of this act."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 67.28.181 and 82.14.410; and adding a new section to chapter 82.02 RCW."

Senator Lovelett 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. 0164 by Senator Lovelett to Substitute Senate Bill No. 5576.

The motion by Senator Lovelett carried and striking floor amendment no. 0164 was adopted by voice vote.

MOTION

On motion of Senator Lovelett, the rules were suspended, Engrossed Substitute Senate Bill No. 5576 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Lovelett spoke in favor of passage of the bill.

Senator Gildon 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. 5576.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5576 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5576, 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. 5682, by Senators Warnick, and Hansen

Concerning the Washington customized employment training program.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5682 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Warnick and Frame 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. 5682.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5682 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, Conway, Cortes, Dhingra, Dozier, Fortunato, Frame, Gildon, Goehner, Hansen, Harris, 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, Wilson, C. and Wilson, J.

Voting nay: Senator Hasegawa

Excused: Senator Wellman

SENATE BILL NO. 5682, 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. 5486, by Senators Orwall, Dhingra, Nobles, and Trudeau

Concerning open motion picture captioning in motion picture theaters.

MOTION

On motion of Senator Orwall, Substitute Senate Bill No. 5486 was substituted for Senate Bill No. 5486 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5486, by Senate Committee on Law & Justice (originally sponsored by Orwall, Dhingra, Nobles, and Trudeau)

Concerning open motion picture captioning in motion picture theaters.

The measure was read the second time.

MOTION

Senator Torres moved that the following floor amendment no. 0208 by Senator Torres be adopted:

On page 1, beginning on line 14, after "theaters," strike all material through "below:" on line 20 and insert "a motion picture theater company that controls, operates, owns, or leases five or more motion picture theaters in the state shall provide open captioning screenings of such motion picture that has at least five scheduled screenings at that theater, provided that the theater has digital projection systems that support open captioning files. Such open captioning screenings must occur within each of the time periods set forth below:"

On page 2, beginning on line 12, strike all material through "screens." on line 16 and insert the following:

"(3) If a motion picture is produced with open captioning content and distributed to motion picture theaters, a motion picture theater company that controls, operates, owns, or leases four or fewer motion picture theaters in the state shall, at each theater that has digital projection systems that support open captioning files:

(a) Provide an open captioning screening within five calendar days after receiving a request; or

(b) Offer open captioning consistent with the requirements for motion picture theaters in subsection (2) of this section."

On page 3, line 23, after "(c)" insert ""Motion picture theater company" means any individual or business entity that operates one or more motion picture theaters.

(d)"

Senator Torres spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0208 by Senator Torres on page 1, line 14 to Substitute Senate Bill No. 5486.

The motion by Senator Torres carried and floor amendment no. 0208 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Torres and without objection, floor amendment no. 0137 by Senator Torres on page 2, line 13 to Substitute Senate Bill No. 5486 was withdrawn.

MOTION

Senator Orwall moved that the following floor amendment no. 0127 by Senator Orwall be adopted:

Beginning on page 2, line 37, strike all of subsections (9) and (10)

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

On page 1, beginning on line 2 of the title, after "RCW;" strike "prescribing penalties;"

Senators Orwall and Torres spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0127 by Senator Orwall on page 2, line 37 to Substitute Senate Bill No. 5486.

The motion by Senator Orwall carried and floor amendment no. 0127 was adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Torres and without objection, floor amendment no. 0170 by Senator Torres on page 3, line 13 to Substitute Senate Bill No. 5486 was withdrawn.

MOTION

On motion of Senator Orwall, the rules were suspended, Engrossed Substitute Senate Bill No. 5486 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Orwall and Torres 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. 5486.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5486 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 3; Absent, 0; Excused, 1.

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

Voting nay: Senators Christian, MacEwen and McCune

Excused: Senator Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5529, by Senator Gildon

Amending the county population threshold for counties that may exempt from taxation the value of accessory dwelling units to incentivize rental to low-income households.

The measure was read the second time.

MOTION

Senator Gildon moved that the following striking floor amendment no. 0124 by Senator Gildon be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.36.400 and 2023 c 335 s 1 are each amended to read as follows:

(1) Any physical improvement to single-family dwellings upon real property, including constructing an accessory dwelling unit, whether attached to or within the single-family dwelling or as a detached unit on the same real property, shall be exempt from taxation for the three assessment years subsequent to the completion of the improvement to the extent that the improvement represents 30 percent or less of the value of the original structure. A taxpayer desiring to obtain the exemption granted by this section must file notice of his or her intention to construct the improvement prior to the improvement being made on forms prescribed by the department of revenue and furnished to the taxpayer by the county assessor. The exemption in this subsection cannot be claimed more than once in a five-year period.

The department of revenue shall promulgate such rules and regulations as are necessary and convenient to properly administer the provisions of this subsection (1).

(2)(a) A county legislative authority for a county with a population of 1,500,000 or more or a city or county legislative authority located in a county with a population of at least 900,000 but not more than 1,500,000 may exempt from taxation the value of an accessory dwelling unit if the following conditions are met:

(i) The improvement represents 30 percent or less of the value of the original structure;

(ii) The taxpayer demonstrates that the unit is maintained as a rental property for low-income households by submitting an affidavit stating the tenant's income and a document that demonstrates the tenant's income. For the purposes of this subsection, "low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

(iii) The taxpayer files notice of the taxpayer's intention to participate in the exemption program on forms prescribed by and furnished to the taxpayer by the county assessor, including verification of the tenant's income through an affidavit as described in (a)(ii) of this subsection (2), and a copy of a lease that is at least 12 months in duration and includes the rent rate;

(iv) Rent charged to a tenant does not exceed more than 30 percent of the tenant's monthly income; ((~~and~~))

(v) The accessory dwelling unit is not occupied by an immediate family member of the taxpayer. For purposes of this subsection (2)(a), "immediate family" means any person under age sixty that is a state registered domestic partner, spouse, parents, grandparents, children, including foster children, siblings, and in-laws; and

(vi) If located in a county with a population of at least 900,000 but not more than 1,500,000, the city legislative authority or the county legislative authority passes a resolution authorizing the exemption to be offered within the geographic boundaries of the city or county. The resolution must outline the process whereby the enacting legislative authority will provide the county assessor with information to verify that both the low-income household and the taxpayer are in compliance with the requirements of this subsection (2).

(b) An exemption granted under this subsection (2) must be applied for annually but may continue for as long as the exempted accessory dwelling unit is leased to a low-income household.

(c) A county legislative authority with a population greater than 1,500,000 that has opted to exempt accessory dwelling units under this subsection (2) may:

(i) Allow the exemption for dwelling units that are attached to or within a single-family dwelling or are detached units on the same real property, or both;

(ii) Collect a fee from the taxpayer to cover the costs of administering this subsection (2);

(iii) Designate administrative officials or agents that will verify that both the low-income household and the taxpayer are in compliance with the requirements of this subsection (2). The designated official or agent may not be the county assessor but may include housing authorities or other qualified organizations as determined by the county legislative authority; and

(iv) Determine what property tax and penalties will be due, if any, in the case of a finding of noncompliance by a taxpayer.

(d) If located in a county with a population of at least 900,000 but not more than 1,500,000, the following applies:

(i) The exemption must only apply to detached units on the same real property.

(ii) The assessor may collect a fee from the taxpayer in an amount necessary to cover the costs of administering this section.

(iii) The assessor may determine what property tax and penalties will be due, if any, in the case that the enacting legislative authority finds noncompliance by a taxpayer.

(e) A ((~~county~~)) legislative authority that has opted to exempt accessory dwelling units under this subsection (2) shall establish policies to assist and support tenants upon expiration of an exemption granted under this subsection (2), such as providing information on services available at the time of expiration.

Sec. 2. 2023 c 335 s 2 (uncodified) is amended to read as follows:

(1) This section is the tax preference performance statement for the tax preferences contained in section 1, chapter 335, Laws of 2023 and section 1, chapter . . ., Laws of 2025 (section 1 of this act). This performance statement is only intended to be used for subsequent evaluation of the tax preferences. It is not intended to create a private right of action by any party or to be used to determine eligibility for preferential tax treatment.

(2) The legislature categorizes ((~~this~~)) these tax preferences as:

(a) Ones intended to induce certain designated behavior by taxpayers as indicated in RCW 82.32.808(2)(a); and

(b) ((~~A~~)) For a general purpose not identified in RCW 82.32.808(2) (a) through (e) as indicated in RCW 82.32.808(2)(f) and further described in subsection (3) of this section.

(3) It is the legislature's specific public policy objective to encourage homeowners to rent accessory dwelling units to low-income households and increase the overall availability of affordable housing.

(4)(a) The joint legislative audit and review committee must review the tax preferences under section 1, chapter 335, Laws of 2023, and section 1, chapter . . ., Laws of 2025 (section 1 of this act) as ((~~it applies~~)) they apply specifically to the property tax exemption for accessory dwelling units and complete a final report by December 1, ((~~2029~~)) 2027. The review must include, at a minimum, the following components:

(i) Costs and benefits associated with exempting from taxation the value of an accessory dwelling unit. This component of the analysis must, at a minimum, assess the costs and benefits of changes in the following metrics since the start of the program:

(A) The number of taxpayers filing notice to participate in the exemption program;

(B) The number of units exempt from property tax under the program, including the extent to which those units are attached or within a single-family dwelling or are detached units; and

(C) A summary of any fees or costs to administer the program;

(ii) An evaluation of the information calculated and provided by the department under RCW 36.70A.070(2)(a);

(iii) A summary of the estimated total statewide costs and benefits attributable to exempting from taxation the value of an accessory dwelling unit, including administrative costs and costs to monitor compliance; and

(iv) An evaluation of the impacts of the program on low-income households.

(b) If the review finds that a county with a population greater than 1,500,000 or a city or county legislative authority located in a county with a population of at least 900,000 but not more than 1,500,000 offers this exemption and the exemption increases the amount of accessory dwelling units rented to low-income households, then the legislature intends to extend the expiration date of ((~~this~~)) these tax preferences.

(5) In order to obtain the data necessary to perform the review in subsection (4) of this section, the joint legislative audit and review committee may refer to any data collected by the state.

NEW SECTION. **Sec. 3.** This act expires January 1, 2034.

NEW SECTION. **Sec. 4.** Section 1 of this act applies to taxes levied for collection in 2026 and thereafter."

On page 1, line 3 of the title, after "households;" strike the remainder of the title and insert "amending RCW 84.36.400; amending 2023 c 335 s 2 (uncodified); creating a new section; and providing an expiration date."

Senators Gildon and Frame 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. 0124 by Senator Gildon to Senate Bill No. 5529.

The motion by Senator Gildon carried and striking floor amendment no. 0124 was adopted by voice vote.

MOTION

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

Senators Gildon and Frame spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5529.

ROLL CALL

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

Voting yea: Senators 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, Wilson, C. and Wilson, J.

Excused: Senator Wellman

ENGROSSED SENATE BILL NO. 5529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5613, by Senators Salomon, Trudeau, Liias, and Nobles

Concerning the development of clear and objective standards, conditions, and procedures for residential development.

MOTION

On motion of Senator Salomon, Second Substitute Senate Bill No. 5613 was substituted for Senate Bill No. 5613 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5613, by Senate Committee on Ways & Means (originally sponsored by Salomon, Trudeau, Liias, and Nobles)

Concerning the development of clear and objective standards, conditions, and procedures for residential development.

The measure was read the second time.

MOTION

Senator Salomon moved that the following striking floor amendment no. 0156 by Senator Salomon be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The department of commerce shall form a stakeholder work group to analyze development regulations that create barriers to housing types, and suggest model codes that contain clear and objective standards.

(2) The work group shall consist of members representing:

(a) Cities;

(b) Counties;

(c) The building industry;

(d) The construction trades;

(e) The planning profession;

(f) The architecture profession; and

(g) Organizations advocating for sustainable land use.

(3) The work group shall help guide implementation of the clear and objective standards and a model code for residential development required in RCW 36.70A.190.

NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a city or county may adopt and apply only clear and objective development regulations and design standards of residential development.

(2)(a) In addition to an approval process for residential development based on clear and objective development regulations as provided in subsection (1) of this section, a city or county may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(i) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(ii) The approval criteria for the alternative approval process comply with this chapter; and

(iii) The approval criteria for the alternative approval process does not authorize a density of less than the density authorized in the comprehensive plan and that would be authorized under the approval process provided in subsection (1) of this section.

(b) Subjective interpretations of nonobjective criteria, such as design guidelines, may not be the sole basis for denial or conditioning a permit in the alternative process if the application otherwise meets the requirements of this subsection and the applicant has retained the option to proceed under subsection (1) of this section. Any nonobjective criteria used in the alternative process should be clearly identified and articulated in publicly available advisory guidelines prior to application submittal.

(3) Subject to subsection (1) of this section, this section does not infringe on the prerogative of a city or county to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(4) By January 1, 2029, all development regulations in effect in a city or county must comply with the requirements of this section.

(5) The provisions of this section do not apply to regulations of residential development outside of urban growth areas designated under RCW 36.70A.110.

(6) A city or county has met the requirements of this section if:

(a) The city or county adopts or has adopted regulations in compliance with this section or that are substantially similar to those required under this section; or

(b)(i) The city or county adopts the model code produced by the department under section 4 of this act;

(ii) The city or county submits any regulations adopted under this subsection to the department for approval; and

(iii) The department determines that the adopted provisions meet the requirements of the model code developed under section 4 of this act or are substantially similar to the requirements of the model code. If the department determines that the adopted provisions do not meet the requirements of the model code developed under section 4 of this act or are not substantially similar to the requirements of the model code, the department shall notify the city or county of the deficiencies identified and proposed amendments to correct any deficiencies. Upon amendment of any provisions deemed to not meet the requirements of the model code, the city or county may resubmit the amended provisions to the department for approval.

Sec. 3. RCW 36.70A.030 and 2024 c 152 s 1 are each amended to read as follows:

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

(1) "Active transportation" means forms of pedestrian mobility including walking or running, the use of a mobility assistive device such as a wheelchair, bicycling and cycling irrespective of the number of wheels, and the use of small personal devices such as foot scooters or skateboards. Active transportation includes both traditional and electric assist bicycles and other devices. Planning for active transportation must consider and address accommodation pursuant to the Americans with disabilities act and the distinct needs of each form of active transportation.

(2) "Active transportation facilities" means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way.

(3) "Administrative design review" means a development permit process whereby an application is reviewed, approved, or denied by the planning director or the planning director's designee based solely on clear and objective design and development standards without a public predecision hearing, unless such review is otherwise required by state or federal law, or the structure is a designated landmark or historic district established under a local preservation ordinance. A city may utilize public meetings, hearings, or voluntary review boards to consider, recommend, or approve requests for variances from locally established design review standards.

(4) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(5) "Affordable housing" means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is:

(a) For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or

(b) For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(6) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(7) "City" means any city or town, including a code city.

(8) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(9) "Cottage housing" means residential units on a lot with a common open space that either: (a) Is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space.

(10) "Courtyard apartments" means attached dwelling units arranged on two or three sides of a yard or court.

(11) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas. "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(12) "Department" means the department of commerce.

(13) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. Development regulations adopted pursuant to this chapter must be clear and objective development regulations as defined in this section. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(14) "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of

individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(15) "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(16) "Environmental justice" means the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to development, implementation, and enforcement of environmental laws, regulations, and policies. Environmental justice includes addressing disproportionate environmental and health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities and the equitable distribution of resources and benefits.

(17) "Extremely low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(18) "Forestland" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forestland is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forestland to other uses.

(19) "Freight rail dependent uses" means buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of goods where the use is dependent on and makes use of an adjacent short line railroad. Such facilities are both urban and rural development for purposes of this chapter. "Freight rail dependent uses" does not include buildings and other infrastructure that are used in the fabrication, processing, storage, and transport of coal, liquefied natural gas, or "crude oil" as defined in RCW 90.56.010.

(20) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(21) "Green infrastructure" means a wide array of natural assets and built structures within an urban growth area boundary, including parks and other areas with protected tree canopy, and management practices at multiple scales that manage wet weather and that maintain and restore natural hydrology by storing, infiltrating, evapotranspiring, and harvesting and using stormwater.

(22) "Green space" means an area of land, vegetated by natural features such as grass, trees, or shrubs, within an urban context and less than one acre in size that creates public value through one or more of the following attributes:

(a) Is accessible to the public;

(b) Promotes physical and mental health of residents;

(c) Provides relief from the urban heat island effects;

(d) Promotes recreational and aesthetic values;

(e) Protects streams or water supply; or

(f) Preserves visual quality along highway, road, or street corridors.

(23) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(24) "Low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below eighty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(25) "Major transit stop" means:

(a) A stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;

(b) Commuter rail stops;

(c) Stops on rail or fixed guideway systems; or

(d) Stops on bus rapid transit routes, including those stops that are under construction.

(26) "Middle housing" means buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing.

(27) "Minerals" include gravel, sand, and valuable metallic substances.

(28) "Moderate-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(29) "Overburdened community" means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

(30) "Per capita vehicle miles traveled" means the number of miles traveled using cars and light trucks in a calendar year divided by the number of residents in Washington. The calculation of this value excludes vehicle miles driven conveying freight.

(31) "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and

responsibilities defined in chapter 59.18 RCW.

(32) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(33) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(34) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(35) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(36) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(37) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems and fire and police protection services associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(38) "Short line railroad" means those railroad lines designated class II or class III by the United States surface transportation board.

(39) "Single-family zones" means those zones where single-family detached housing is the predominant land use.

(40) "Stacked flat" means dwelling units in a residential building of no more than three stories on a residential zoned lot in which each floor may be separately rented or owned.

(41) "Townhouses" means buildings that contain three or more attached single-family dwelling units that extend from foundation to roof and that have a yard or public way on not less than two sides.

(42) "Transportation system" means all infrastructure and services for all forms of transportation within a geographical area, irrespective of the responsible jurisdiction or transportation provider.

(43) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(44) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(45) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(46) "Very low-income household" means a single person, family, or unrelated persons living together whose adjusted income is at or below fifty percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(47)(a) "Vulnerable populations" means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

(b) "Vulnerable populations" includes, but is not limited to:

(i) Racial or ethnic minorities;

(ii) Low-income populations; and

(iii) Populations disproportionately impacted by environmental harms.

(48) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

(49) "Wildland urban interface" means the geographical area where structures and other human development meets or intermingles with wildland vegetative fuels.

(50) "Clear and objective development regulations" means locally adopted development regulations that involve no personal or subjective judgment by a public official, and are ascertainable by reference to measurable written or graphic criteria available and knowable to the permit applicant, the public, and public officials prior to submittal.

(51) "Clear and objective design standard" means a locally adopted design standard:

(a) With one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building and site design is permissible under that development regulation; and

(b) That does not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

Sec. 4. RCW 36.70A.190 and 2023 c 228 s 9 are each amended to read as follows:

(1) The department shall establish a program of technical and financial assistance and incentives to counties and cities to encourage and facilitate the adoption and implementation of comprehensive plans and development regulations throughout the state.

(2) The department shall develop a priority list and establish funding levels for planning and technical assistance grants both for counties and cities that plan under RCW 36.70A.040. Priority for assistance shall be based on a county's or city's population growth rates, commercial and industrial development rates, the existence and quality of a comprehensive plan and development regulations, the presence of overburdened communities, and other relevant factors. The department shall establish funding levels for grants to community-based organizations for the specific purpose of advancing participation of vulnerable populations and overburdened communities in the planning process.

(3) The department shall develop and administer a grant program to provide direct financial assistance to counties and cities for the preparation of comprehensive plans under this chapter. The department may establish provisions for county and city matching funds to conduct activities under this subsection. Grants may be expended for any purpose directly related to the preparation of a county or city comprehensive plan as the county or city and the department may agree, including, without limitation, the conducting of surveys, inventories and other data gathering and management activities, the retention of planning consultants, contracts with regional councils for planning and related services, and other related purposes.

(4) The department shall establish a program of technical assistance:

(a) Utilizing department staff, the staff of other state agencies, and the technical resources of counties and cities to help in the development of comprehensive plans required under this chapter. The technical assistance may include, but not be limited to, model land use ordinances, regional education and training programs, and information for local and regional inventories; and

(b) Adopting by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of this chapter. These criteria shall reflect regional and local variations and the diversity that exists among different counties and cities that plan under this chapter.

(5) The department shall provide mediation services to resolve disputes between counties and cities regarding, among other things, coordination of regional issues and designation of urban growth areas.

(6) The department shall provide services to facilitate the timely resolution of disputes between a federally recognized Indian tribe and a city or county.

(a) A federally recognized Indian tribe may request the department to provide facilitation services to resolve issues of concern with a proposed comprehensive plan and its development regulations, or any amendment to the comprehensive plan and its development regulations.

(b) Upon receipt of a request from a tribe, the department shall notify the city or county of the request and offer to assist in providing facilitation services to encourage resolution before adoption of the proposed comprehensive plan. Upon receipt of the notice from the department, the city or county must delay any final action to adopt any comprehensive plan or any amendment or its development regulations for at least 60 days. The tribe and the city or county may jointly agree to extend this period by notifying the department. A county or city must not be penalized for noncompliance under this chapter due to any delays associated with this process.

(c) Upon receipt of a request, the department shall provide comments to the county or city including a summary and supporting materials regarding the tribe's concerns. The county or city may either agree to amend the comprehensive plan as requested consistent with the comments from the department, or enter into a facilitated process with the tribe, which must be arranged by the department using a suitable expert to be paid by the department. This facilitated process may also extend the 60-day delay of adoption, upon agreement of the tribe and the city or county.

(d) At the end of the 60-day period, unless by agreement there is an extension of the 60-day period, the city or county may proceed with adoption of the proposed comprehensive plan and development regulations. The facilitator shall write a report of findings describing the basis for agreements or disagreements that occurred during the process that are allowed to be disclosed by the parties and the resulting agreed-upon elements of the plan to be amended.

(7) The department shall provide planning grants to enhance citizen participation under RCW 36.70A.140.

(8) The department shall develop, in collaboration with the department of ecology, the department of fish and wildlife, the department of natural resources, the department of health, the emergency management division of the military department, as well as any federally recognized tribe who chooses to voluntarily participate, and adopt by rule guidance that creates a model climate change and resiliency element that may be used by counties, cities, and multiple-county planning regions for developing and implementing climate change and resiliency plans and policies required by RCW 36.70A.070(9), subject to the following provisions:

(a) The model element must establish minimum requirements, and may include model options or voluntary cross-jurisdictional strategies, or both, for fulfilling the requirements of RCW 36.70A.070(9);

(b) The model element should provide guidance on identifying, designing, and investing in infrastructure that supports community resilience to climate impacts, including the protection, restoration, and enhancement of natural infrastructure as well as traditional infrastructure and protecting and enhancing natural areas to foster resiliency to climate impacts, as well as areas of vital habitat for safe passage and species migration;

(c) The model element should provide guidance on identifying and addressing natural hazards created or aggravated by climate change, including sea level rise, landslides, flooding, drought, heat, smoke, wildfires, and other effects of reasonably anticipated changes to temperature and precipitation patterns; and

(d) The rule must recognize and promote as many cobenefits of climate resilience as possible such as climate change mitigation, salmon recovery, forest health, ecosystem services, and socioeconomic health and resilience.

(9) The department must develop and publish a model code that meets the requirements of section 2 of this act by June 30, 2027. The clear and objective standards in the model code should focus

on development regulations and processes, give applicants predictability, and encourage uniformity across jurisdictions. The model code developed under this subsection is not required to include critical areas regulations.

Sec. 5. RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and 2023 c 228 s 7 are each reenacted and amended to read as follows:

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

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance based on a city or county's actions taken to implement the requirements of RCW 36.70A.680 and 36.70A.681 within an urban growth area;

(b) That the 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

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

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

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

(f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to RCW 70A.45.120; ((~~or~~))

(g) That the department's final decision to approve or reject actions by a city implementing RCW 36.70A.635 is clearly erroneous;

(h) That a clear and objective development regulation adopted by a city or county under section 2(6)(a) of this act is not consistent with the requirements of section 2 of this act; or

(i) That a clear and objective model ordinance adopted by a county or city pursuant to section 2(6)(b) of this act is not consistent with the department's clear and objective model code under RCW 36.70A.190(9). In reaching its determination, the board shall give substantial weight to the department's expertise in its approval of a city or county's ordinance under section 2(6)(b) of this act.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

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

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

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

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

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

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 36.70A.030 and 36.70A.190; reenacting and amending RCW 36.70A.280; adding a new section to chapter 36.70A RCW; and creating a new section."

MOTION

Senator Goehner moved that the following floor amendment no. 0210 by Senator Goehner be adopted:

On page 3, after line 8, insert the following:

"(7) Nothing in this section prevents the legislative authority from adopting changes in the future. Future changes may be submitted to the department for continued approval. Approval by the department of the adopted provisions will be considered to continue unless the legislative authority adopts changes and submits those changes to the department for approval and the department makes a written determination that the changes are not consistent with clear and objective standards."

On page 15, line 35, after "act;" strike "or"

On page 16, line 2, after "act" insert "; and

(j) That the department's written determination under section 2(7) of this act regarding the consistency of the city's or county's proposed ordinances or regulations to the clear and objective standards described in RCW 36.70A.030 is clearly erroneous"

Senators Goehner and Salomon 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. 0210 by Senator Goehner on page 3, after line 8 to striking floor amendment no. 0156.

The motion by Senator Goehner carried and floor amendment no. 0210 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0156 by Senator Salomon as amended to Substitute Senate Bill No. 5613.

The motion by Senator Salomon carried and striking floor amendment no. 0156 as amended was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5613 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5613.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5613 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 5; Absent, 0; Excused, 1.

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

Voting nay: Senators Christian, Cortes, Kauffman, Slatter and Wagoner

Excused: Senator Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5613, 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. 5775, by Senator Slatter

Expanding local taxing authority to fund public safety and community protection focused programs and services.

The measure was read the second time.

MOTION

Senator Orwall moved that the following floor amendment no. 0199 by Senator Orwall be adopted:

On page 2, beginning on line 12, after "(b)" strike all material through "(c)" on line 17 and insert "If a county does not impose the tax under subsection (1) of this section at the full rate of 0.3 percent by July 1, 2026, a city legislative authority may, until January 1, 2028, impose the tax by ordinance or resolution at a rate not to exceed 0.3 percent.

(c) The combined total rate of the tax authorized under subsection (1)(b) of this section and (b) of this subsection (2) may not exceed 0.3 percent.

(d)"

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

Senator Orwall spoke in favor of adoption of the amendment.

Senator Gildon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 0199 by Senator Orwall on page 2, line 12 to Senate Bill No. 5775.

The motion by Senator Orwall carried and floor amendment no. 0199 was adopted by rising vote.

MOTION

On motion of Senator Slatter, the rules were suspended, Engrossed Senate Bill No. 5775 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Slatter, Cortes and Frame spoke in favor of passage of the bill.

Senators Gildon and Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5775.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5775 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Wellman

ENGROSSED SENATE BILL NO. 5775, 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. 5148, by Senators Bateman, Liias, Nobles, and Stanford

Ensuring compliance with the housing element requirements of the growth management act.

MOTION

On motion of Senator Bateman, Second Substitute Senate Bill No. 5148 was substituted for Senate Bill No. 5148 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5148, by Senate Committee on Ways & Means (originally sponsored by Bateman, Liias, Nobles, and Stanford)

Ensuring compliance with the housing element requirements of the growth management act.

The measure was read the second time.

MOTION

Senator Bateman moved that the following striking floor amendment no. 0187 by Senator Bateman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A RCW to read as follows:

(1) A county or city that is required or chooses to plan under

RCW 36.70A.040 may submit their housing element required under RCW 36.70A.070(2) and any housing development regulations adopted or amended on or after the effective date of this section to the department for review to determine whether the housing element or housing development regulations comply with the laws and regulations identified in subsection (7) of this section.

(2)(a) Not less than 120 days prior to applying for approval of a housing element, the county or city must notify the department in writing that it intends to apply for approval under subsection (1) of this section. The department shall review proposed housing elements prior to final adoption and advise the county or city of the actions necessary to receive approval.

(b) Prior to advising the county or city of the actions necessary to receive approval under (a) of this subsection, the department, along with the county or city, may consult with other relevant state agencies in making its determination.

(c) Prior to advising the county or city of the actions necessary to receive approval under (a) of this subsection, the department, along with the county or city, may consult with housing providers, developers, and builders that are located in or have completed work in the county or city.

(d) The department shall publish notice in the Washington state register that a city or county has notified the department of its intent to apply for approval and the department shall post a copy of the notice on the department website.

(3)(a) A county or city submitting a housing element or housing development regulation for review under subsection (1) of this section must submit its application to the department within 10 days after any final action to amend, repeal, or replace the housing element or housing development regulations.

(b) Notwithstanding subsection (1) of this section, the department may review housing development regulations adopted or amended before the effective date of this section if amendments to those regulations are necessary to implement the housing element or any laws and regulations identified in subsection (7) of this section.

(4) Notwithstanding RCW 36.70A.320(1), a housing element or housing development regulation subject to review under this section does not take effect until the department issues a final decision determining that the housing element or housing development regulation complies with the laws and regulations identified in subsection (7) of this section.

(5)(a) An application for review must include, at a minimum, the following:

(i) A cover letter from the legislative authority requesting review of the housing element or housing development regulations;

(ii) A copy of the adopted ordinance or resolution taking the legislative action or actions required to adopt the housing element or housing development regulations;

(iii) A statement explaining how the adopted housing element or housing development regulations comply with the laws and regulations identified in subsection (7) of this section; and

(iv) A copy of the record developed by the city or county at any public meeting or public hearing at which action was taken on the housing element or housing development regulations.

(b) For the purposes of this subsection, "action" and "meeting" have the same meanings as in RCW 42.30.020.

(6)(a) Within 120 days of the date of receipt of an application, the department shall issue a decision determining whether the housing element and any housing development regulations comply with the laws and regulations identified in subsection (7) of this section. The department may extend the review period with written agreement of the city or county.

(b) The department must issue its decision in the form of a written statement, including findings of fact and conclusions, and noting the date of the issuance of its decision. The department's issued decision must conspicuously and plainly state that it is the department's final decision. In issuing a decision that finds that a city's or county's housing element and any housing development regulations are not in compliance with the laws and regulations identified in subsection (7) of this section, the department must demonstrate that the city's or county's housing element or development regulations are clearly erroneous.

(c) The department shall promptly publish its decision as follows:

(i) Notify the city or county in writing of its decision;

(ii) Publish a notice of action in the Washington state register;

(iii) Post a notice of its decision on the agency website; and

(iv) Notify other relevant state agencies regarding the decision.

(7)(a) The department shall issue a determination of compliance for a housing element or housing development regulation unless it finds that the housing element or housing development regulation is not consistent with any of the following laws and regulations:

(i) The housing planning goal set forth in RCW 36.70A.020(4);

(ii) The housing element requirements set forth in RCW 36.70A.070(2);

(iii) Any relevant rules adopted by the department;

(iv) Any relevant state environmental policy act requirements in chapter 43.21C RCW;

(v) The county's or city's comprehensive plan;

(vi) Emergency shelters, transitional housing, emergency housing, and permanent supportive housing requirements in RCW 35.21.683 and 35A.21.430;

(vii) Co-living housing requirements in RCW 36.70A.535;

(viii) Density bonuses required in RCW 36.70A.545;

(ix) Parking requirements in RCW 36.70A.620 and 36.70A.622; or

(x) Housing requirements in RCW 36.70A.115, 36.70A.635, 36.70A.636, 36.70A.637, 36.70A.638, 36.70A.680, 36.70A.681, 36.70A.682, 36.70A.696, 36.70A.697, 36.70A.698, and 36.70A.699.

(b) Within six months of the effective date of this section, the department shall publish a defined set of minimum objective standards that jurisdictions must meet in order to comply with this section.

(8)(a) The department shall publish and regularly update a local government compliance list that includes, at minimum, the following information for each city or county:

(i) Whether the city or county is subject to a targeted review under subsection (9) of this section;

(ii) Whether the city or county has applied for a determination of compliance and, if so, the date of the application; and

(iii) Whether the department has issued a decision on compliance for the city or county and, if so, the nature of the decision, the date that the decision was issued, and the status or outcome of any appeals.

(b) The local government compliance list must be made publicly available on the department's website.

(9)(a)(i) A city or county that is required or chooses to plan under RCW 36.70A.040 and that does not voluntarily submit their housing element and any housing development regulations under subsection (1) of this section must submit their housing element required under RCW 36.70A.070(2) and any housing development regulations adopted or amended on or after the effective date of this section to the department for review no later than three years after enacting a new comprehensive land use plan or updating an existing comprehensive land use plan.

(ii) During review of a city or county under this subsection, the department may consult with housing developers and builders

that are located in or have completed work in the city or county.

(b)(i) If the department determines that a city or county submitting its housing element and housing development regulations under this section is not in compliance with the laws and regulations identified in subsection (7) of this section, the department shall notify the city or county of the deficiencies identified and propose amendments to correct any deficiencies. The city or county has 120 days to amend its housing element and any relevant housing development regulations to address any deficiencies noted by the department in its decision issued under subsection (6)(a) of this section and must submit any amendments to its housing element or housing development regulations to the department in the same manner of the initial application for review under subsection (5)(a) of this section.

(ii) If the department determines that a housing element or housing development regulation amended under subsection (9)(b)(i) of this section does not comply with the laws and regulations identified in subsection (7) of this section, the city or county has an additional 120 days to address any deficiencies noted by the department, and must submit any amendments to its housing element or housing development regulations to the department in the same manner as the initial application for review under subsection (5)(a) of this section.

(iii) If, subsequent to the procedure under (b)(ii) of this subsection, the department determines that the amended housing element or housing development regulations do not comply with the laws and regulations identified in subsection (7) of this section, then the city or county is subject to the requirements of subsection (11) of this section.

(c) The department may extend any correction period in this subsection with written agreement of the city or county.

(10) The department's decision on compliance, including subsequent reviews under subsection (9)(b) of this section, and any housing element or housing development regulations subject to review under this section, may be appealed to the growth management hearings board by filing a petition as provided in RCW 36.70A.290.

(11)(a) A noncompliant city or county may not deny an affordable or moderate-income housing development, or approve an affordable or moderate-income housing development with conditions or restrictions that have a substantial adverse impact on the viability of the development or the degree of affordability of the development unless at least one of the following conditions is met:

(i) The city or county has received a final decision from the department determining that its housing element and any housing development regulations comply with the laws and regulations identified in subsection (7) of this section;

(ii) The denial of the affordable or moderate-income housing development, or the approval of the affordable or moderate-income housing development with conditions or restrictions that have a substantial adverse impact on the viability of the development or the degree of affordability of the development, is required in order to comply with specific state or federal law;

(iii) The affordable or moderate-income housing development or proposed development site is located outside an urban growth area, in a critical area, in a critical area buffer, or in an area where residential uses are not allowed by the applicable shoreline master program; or

(iv) The affordable or moderate-income housing development or proposed development site is located in an area where neither the local jurisdiction's comprehensive plan nor zoning ordinance permits residential or mixed uses.

(b) The county or city must require the developer of an affordable or moderate-income housing development to include legally binding, enforceable restrictions on the development, recorded as a covenant or deed restriction, to ensure that the following measures of affordability are met for a minimum 25-year period:

(i) At least 20 percent of the units are affordable housing as defined in RCW 36A.70A.030;

(ii) At least 50 percent of the units are workforce housing; or

(iii) All of the units are moderate-income housing as defined in RCW 36.70A.030.

(c) The county or city must periodically audit compliance with the restrictions or provide another mechanism to ensure that the units committed to affordable or workforce housing meet the measures of affordability described in (b) of this subsection during the agreed term.

(d) For the purposes of this subsection, "noncompliant city or county" means a city or county that:

(i) Does not take amendatory actions under subsection (9)(b)(i) of this section following a determination from the department that the city's or county's housing element or housing development regulations do not comply with the laws and regulations identified in subsection (7) of this section; or

(ii) Has a housing element or housing development regulation that does not comply with the laws and regulations identified in subsection (7) of this section as determined by the department under subsection (9)(b)(iii) of this section or, if appealed, the board under RCW 36.70A.290(3)(b).

(12) A city or county may not be required to submit their housing element or housing development regulations for department review and compliance under this section as a condition of eligibility or prioritization for funds or other programs and opportunities unless a city or county is required to submit their housing element or housing development regulations under subsection (9)(a)(i) of this section.

(13) The department may adopt any rules necessary to implement this section.

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

(a) "Affordable housing" has the same meaning as in RCW 36.70A.030.

(b) "Workforce housing" means housing with monthly costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income is:

(i) For a rental: At or below 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development;

(ii) For ownership: At or below 100 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

(c) "Moderate-income housing" has the same meaning as "moderate-income household" in RCW 36.70A.030.

(d) "Housing development regulations" means any development regulations related to the housing element requirements under RCW 36.70A.070(2) including, but not limited to, development regulations related to affordable housing, middle housing, co-living housing, accessory dwelling units, emergency shelters, transitional housing, emergency housing, permanent supportive housing, conversions of nonresidential buildings to residential use, and any zoning maps and zoning districts.

Sec. 2. RCW 36.70A.280 and 2023 c 334 s 7, 2023 c 332 s 6, and 2023 c 228 s 7 are each reenacted and amended to read as follows:

(1) The growth management hearings board shall hear and

determine only those petitions alleging either:

(a) That, except as provided otherwise by this subsection, a state agency, county, or city planning under this chapter is not in compliance with the requirements of this chapter, chapter 90.58 RCW as it relates to the adoption of shoreline master programs or amendments thereto, or chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or chapter 90.58 RCW. Nothing in this subsection authorizes the board to hear petitions alleging noncompliance based on a city or county's actions taken to implement the requirements of RCW 36.70A.680 and 36.70A.681 within an urban growth area;

(b) That the 20-year growth management planning population projections adopted by the office of financial management pursuant to RCW 43.62.035 should be adjusted;

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

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

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

(f) That the department's final decision to approve or reject a proposed greenhouse gas emissions reduction subelement or amendments by a local government planning under RCW 36.70A.040 was not in compliance with the joint guidance issued by the department pursuant to RCW 70A.45.120; ((~~or~~))

(g) That the department's final decision to approve or reject actions by a city implementing RCW 36.70A.635 is clearly erroneous; or

(h) That the department's determination of compliance of a housing element and any related housing development regulations under section 1 of this act is clearly erroneous.

(2) A petition may be filed only by: (a) The state, or a county or city that plans under this chapter; (b) a person who has participated orally or in writing before the county or city regarding the matter on which a review is being requested; (c) a person who is certified by the governor within 60 days of filing the request with the board; or (d) a person qualified pursuant to RCW 34.05.530.

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

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

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

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

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

Sec. 3. RCW 36.70A.290 and 2011 c 277 s 1 are each amended to read as follows:

(1) All requests for review to the growth management hearings board shall be initiated by filing a petition that includes a detailed statement of issues presented for resolution by the board. The board shall render written decisions articulating the basis for its holdings. The board shall not issue advisory opinions on issues not presented to the board in the statement of issues, as modified by any prehearing order.

(2) All petitions relating to whether or not an adopted comprehensive plan, development regulation, or permanent amendment thereto, is in compliance with the goals and requirements of this chapter or chapter 90.58 or 43.21C RCW must be filed within sixty days after publication as provided in (a) through ((~~(c)~~)) (d) of this subsection.

(a) Except as provided in (c) and (d) of this subsection, the date of publication for a city shall be the date the city publishes the ordinance, or summary of the ordinance, adopting the comprehensive plan or development regulations, or amendment thereto, as is required to be published.

(b) Promptly after adoption, a county shall publish a notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

Except as provided in (c) and (d) of this subsection, for purposes of this section the date of publication for a county shall be the date the county publishes the notice that it has adopted the comprehensive plan or development regulations, or amendment thereto.

(c) For local governments planning under RCW 36.70A.040, promptly after approval or disapproval of a local government's shoreline master program or amendment thereto by the department of ecology as provided in RCW 90.58.090, the department of ecology shall publish a notice that the shoreline master program or amendment thereto has been approved or disapproved. For purposes of this section, the date of publication for the adoption or amendment of a shoreline master program is the date the department of ecology publishes notice that the shoreline master program or amendment thereto has been approved or disapproved.

(d) For purposes of this section, the date of publication for a housing element and any housing development regulations submitted to the department for review under section 1 of this act is the date the department publishes its final decision on compliance in the Washington State Register or on the department's website, whichever is later.

(3)(a) All petitions relating to whether the department's final decision under section 1 of this act is clearly erroneous must be filed within 60 days after the department publishes its final decision in the Washington State Register or on the department's website, whichever is later.

(b) A decision of the board concerning an appeal of the department's final decision under section 1 of this act must be based solely on whether the relevant housing element or housing development regulations comply with the laws and regulations identified in section 1(7) of this act.

(4) Unless the board dismisses the petition as frivolous or finds that the person filing the petition lacks standing, or the parties have filed an agreement to have the case heard in superior court as provided in RCW 36.70A.295, the board shall, within ten days of receipt of the petition, set a time for hearing the matter.

((~~(4)~~)) (5) The board shall base its decision on the record developed by the city, county, or the state and supplemented with additional evidence if the board determines that such additional evidence would be necessary or of substantial assistance to the board in reaching its decision.

((~~(5)~~)) (6) The board, shall consolidate, when appropriate, all petitions involving the review of the same comprehensive plan or the same development regulation or regulations.

Sec. 4. RCW 36.70A.130 and 2024 c 17 s 1 are each amended to read as follows:

(1)(a) Each comprehensive land use plan and development regulations shall be subject to continuing review and evaluation by the county or city that adopted them. Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section.

(b)(i) A city or town located within a county planning under RCW 36.70A.040 may opt out of a full review and revisions of its comprehensive plan established in this section if the city or town meets the following criteria:

(A) Has a population fewer than 500;

(B) Is not located within 10 miles of a city with a population over 100,000;

(C) Experienced a population growth rate of fewer than 10 percent in the preceding 10 years; and

(D) Has provided the department with notice of its intent to participate in a partial review and revision of its comprehensive plan.

(ii) The department shall review the population growth rate for a city or town participating in the partial review and revision of its comprehensive plan process at least three years before the periodic update is due as outlined in subsection (4) of this section and notify cities of their eligibility.

(iii) A city or town that opts out of a full review and revision of its comprehensive plan must update its critical areas regulations and its capital facilities element and its transportation element.

(c) Except as otherwise provided, a county or city not planning under RCW 36.70A.040 shall take action to review and, if needed, revise its policies and development regulations regarding critical areas and natural resource lands adopted according to this chapter to ensure these policies and regulations comply with the requirements of this chapter according to the deadlines in subsections (4) and (5) of this section. Legislative action means the adoption of a resolution or ordinance following notice and a public hearing indicating at a minimum, a finding that a review and evaluation has occurred and identifying the revisions made, or that a revision was not needed and the reasons therefor.

(d) The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent 10-year population forecast by the office of financial management.

(e) Any amendment of or revision to a comprehensive land use plan shall conform to this chapter. Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan.

(2)(a) Each county and city shall establish and broadly disseminate to the public a public participation program consistent with RCW 36.70A.035 and 36.70A.140 that identifies procedures and schedules whereby updates, proposed amendments, or revisions of the comprehensive plan are considered by the governing body of the county or city no more frequently than once every year. "Updates" means to review and revise, if needed, according to subsection (1) of this section, and the deadlines in subsections (4) and (5) of this section or in accordance with the provisions of subsection (6) of this section. Amendments may be considered more frequently than once per year under the following circumstances:

(i) The initial adoption of a subarea plan. Subarea plans adopted under this subsection (2)(a)(i) must clarify, supplement, or implement jurisdiction-wide comprehensive plan policies, and may only be adopted if the cumulative impacts of the proposed plan are addressed by appropriate environmental review under chapter 43.21C RCW;

(ii) The development of an initial subarea plan for economic development located outside of the 100 year floodplain in a county that has completed a state-funded pilot project that is based on watershed characterization and local habitat assessment;

(iii) The adoption or amendment of a shoreline master program under the procedures set forth in chapter 90.58 RCW;

(iv) The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a county or city budget; ((~~or~~))

(v) The adoption of comprehensive plan amendments necessary to enact a planned action under RCW 43.21C.440, provided that amendments are considered in accordance with the public participation program established by the county or city under this subsection (2)(a) and all persons who have requested notice of a comprehensive plan update are given notice of the amendments and an opportunity to comment; or

(vi) The adoption or amendment of any housing element necessary to receive a determination of compliance under section 1 of this act.

(b) Except as otherwise provided in (a) of this subsection, all proposals shall be considered by the governing body concurrently so the cumulative effect of the various proposals can be ascertained. However, after appropriate public participation a county or city may adopt amendments or revisions to its comprehensive plan that conform with this chapter whenever an emergency exists or to resolve an appeal of a comprehensive plan filed with the growth management hearings board or with the court.

(3)(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsections (4) and (5) of this section, its designated urban growth area or areas, patterns of development occurring within the urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

(b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding 20-year period. The review required by this subsection may be combined with the review and evaluation required by RCW 36.70A.215.

(c) If, during the county's review under (a) of this subsection, the county determines revision of the urban growth area is not required to accommodate the urban growth projected to occur in the county for the succeeding 20-year period, but does determine that patterns of development have created pressure in areas that exceed available, developable lands within the urban growth area, the urban growth area or areas may be revised to accommodate identified patterns of development and likely future development pressure for the succeeding 20-year period if the following requirements are met:

(i) The revised urban growth area may not result in an increase in the total surface areas of the urban growth area or areas;

(ii) The areas added to the urban growth area are not or have not been designated as agricultural, forest, or mineral resource lands of long-term commercial significance;

(iii) Less than 15 percent of the areas added to the urban growth area are critical areas;

(iv) The areas added to the urban growth areas are suitable for urban growth;

(v) The transportation element and capital facility plan element have identified the transportation facilities, and public facilities and services needed to serve the urban growth area and the funding to provide the transportation facilities and public facilities and services;

(vi) The urban growth area is not larger than needed to accommodate the growth planned for the succeeding 20-year planning period and a reasonable land market supply factor;

(vii) The areas removed from the urban growth area do not include urban growth or urban densities; and

(viii) The revised urban growth area is contiguous, does not include holes or gaps, and will not increase pressures to urbanize rural or natural resource lands.

(4) Except as otherwise provided in subsections (6) and (8) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) On or before June 30, 2015, for King, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before June 30, 2016, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2017, for Benton, Chelan, Cowlitz, Douglas, Kittitas, Lewis, Skamania, Spokane, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2018, for Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, Walla Walla, and Whitman counties and the cities within those counties.

(5) Except as otherwise provided in subsections (6) and (8) of this section, following the review of comprehensive plans and development regulations required by subsection (4) of this section, counties and cities shall take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of this chapter as follows:

(a) Except as provided in subsection (10) of this section, on or before December 31, 2024, with the following review and, if needed, revision on or before June 30, 2034, and then every 10 years thereafter, for King, Kitsap, Pierce, and Snohomish counties and the cities within those counties;

(b) On or before December 31, 2025, with the following review and, if needed, revision on or before June 30, 2035, and then every 10 years thereafter, for Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

(c) On or before June 30, 2026, and every 10 years thereafter, for Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima counties and the cities within those counties; and

(d) On or before June 30, 2027, and every 10 years thereafter, for Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman counties and the cities within those counties.

(6)(a) Nothing in this section precludes a county or city from conducting the review and evaluation required by this section before the deadlines established in subsections (4) and (5) of this section. Counties and cities may begin this process early and may be eligible for grants from the department, subject to available funding, if they elect to do so.

(b) A county that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the 24 months following the deadline established in subsection (5) of this section: The county has a population of less than 50,000 and has had its population increase by no more than 17 percent in the 10 years preceding the deadline established in subsection (5) of this section as of that date.

(c) A city that is subject to a deadline established in subsection (5)(b) through (d) of this section and meets the following criteria may comply with the requirements of this section at any time within the 24 months following the deadline established in subsection (5) of this section: The city has a population of no more than 5,000 and has had its population increase by the greater of either no more than 100 persons or no more than 17 percent in the 10 years preceding the deadline established in subsection (5) of this section as of that date.

(d) State agencies are encouraged to provide technical assistance to the counties and cities in the review of critical area ordinances, comprehensive plans, and development regulations.

(7)(a) The requirements imposed on counties and cities under this section shall be considered "requirements of this chapter" under the terms of RCW 36.70A.040(1). Only those counties and cities that meet the following criteria may receive grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW:

(i) ((~~Complying~~)) The county or city is in compliance with the deadlines in this section; ((~~or~~))

(ii) ((~~Demonstrating~~)) The county or city demonstrates substantial progress towards compliance with the ((~~schedules~~)) deadlines in this section for development regulations that protect critical areas. (((~~(b) A~~))) For the purposes of this subsection (7)(a)(ii), a county or city that is fewer than 12 months out of compliance with the ((~~schedules~~)) deadlines in this section for development regulations that protect critical areas is making substantial progress towards compliance with the deadlines in this section; or

(iii) The county or city demonstrates substantial progress towards compliance with the deadlines in this section for any housing element and any housing development regulations required to be submitted to the department for review under section 1 of this act. For the purposes of this subsection (7)(a)(iii), a county or city that applies to the department for review within the timelines specified under section 1 of this act demonstrates substantial progress towards compliance with the deadlines in this section and is eligible for grants, loans, pledges, or financial guarantees under chapter 43.155 or 70A.135 RCW until the department or the growth management hearings board issues a final decision determining that the county's or city's housing element or any related housing development regulations are not in compliance with the laws and regulations identified in section 1(7) of this act.

(b) Only those counties and cities in compliance with the schedules in this section may receive preference for grants or loans subject to the provisions of RCW 43.17.250.

(8)(a) Except as otherwise provided in (c) of this subsection, if a participating watershed is achieving benchmarks and goals for the protection of critical areas functions and values, the county is not required to update development regulations to protect critical areas as they specifically apply to agricultural activities in that watershed.

(b) A county that has made the election under RCW

36.70A.710(1) may only adopt or amend development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed if:

(i) A work plan has been approved for that watershed in accordance with RCW 36.70A.725;

(ii) The local watershed group for that watershed has requested the county to adopt or amend development regulations as part of a work plan developed under RCW 36.70A.720;

(iii) The adoption or amendment of the development regulations is necessary to enable the county to respond to an order of the growth management hearings board or court;

(iv) The adoption or amendment of development regulations is necessary to address a threat to human health or safety; or

(v) Three or more years have elapsed since the receipt of funding.

(c) Beginning 10 years from the date of receipt of funding, a county that has made the election under RCW 36.70A.710(1) must review and, if necessary, revise development regulations to protect critical areas as they specifically apply to agricultural activities in a participating watershed in accordance with the review and revision requirements and timeline in subsection (5) of this section. This subsection (8)(c) does not apply to a participating watershed that has determined under RCW 36.70A.720(2)(c)(ii) that the watershed's goals and benchmarks for protection have been met.

(9)(a) Counties subject to planning deadlines established in subsection (5) of this section that are required or that choose to plan under RCW 36.70A.040 and that meet either criteria of (a)(i) or (ii) of this subsection, and cities with a population of more than 6,000 as of April 1, 2021, within those counties, must provide to the department an implementation progress report detailing the progress they have achieved in implementing their comprehensive plan five years after the review and revision of their comprehensive plan. Once a county meets the criteria in (a)(i) or (ii) of this subsection, the implementation progress report requirements remain in effect thereafter for that county and the cities therein with populations greater than 6,000 as of April 1, 2021, even if the county later no longer meets either or both criteria. A county is subject to the implementation progress report requirement if it meets either of the following criteria on or after April 1, 2021:

(i) The county has a population density of at least 100 people per square mile and a population of at least 200,000; or

(ii) The county has a population density of at least 75 people per square mile and an annual growth rate of at least 1.75 percent as determined by the office of financial management.

(b) The department shall adopt guidelines for indicators, measures, milestones, and criteria for use by counties and cities in the implementation progress report that must cover:

(i) The implementation of previously adopted changes to the housing element and any effect those changes have had on housing affordability and availability within the jurisdiction;

(ii) Permit processing timelines; and

(iii) Progress toward implementing any actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any element of the comprehensive plan under RCW 36.70A.070.

(c) If a city or county required to provide an implementation progress report under this subsection (9) has not implemented any specifically identified regulations, zoning and land use changes, or taken other legislative or administrative action necessary to implement any changes in the most recent periodic update in their comprehensive plan by the due date for the implementation progress report, the city or county must identify the need for such action in the implementation progress report. Cities and counties must adopt a work plan to implement any necessary regulations, zoning and land use changes, or take other legislative or administrative action identified in the implementation progress report and complete all work necessary for implementation within two years of submission of the implementation progress report.

(10) Any county or city that is required by RCW 36.70A.095 to include in its comprehensive plan a climate change and resiliency element and that is also required by subsection (5)(a) of this section to review and, if necessary, revise its comprehensive plan on or before December 31, 2024, must update its transportation element and incorporate a climate change and resiliency element into its comprehensive plan as part of the first implementation progress report required by subsection (9) of this section if funds are appropriated and distributed by December 31, 2027, as required under RCW 36.70A.070(10).

Sec. 5. RCW 43.21C.495 and 2023 c 334 s 6 and 2023 c 332 s 8 are each reenacted and amended to read as follows:

(1) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city to implement: The actions specified in section 2, chapter 246, Laws of 2022 unless the adoption of such ordinances, development regulations and amendments to such regulations, or other nonproject actions has a probable significant adverse impact on fish habitat; and the increased residential building capacity actions identified in RCW 36.70A.600(1), with the exception of the action specified in RCW 36.70A.600(1)(f), are not subject to administrative or judicial appeals under this chapter.

(2) Amendments to development regulations and other nonproject actions taken by a city to implement the requirements under RCW 36.70A.635 pursuant to RCW 36.70A.636(3)(b) are not subject to administrative or judicial appeals under this chapter.

(3) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions taken by a city or county consistent with the requirements of RCW 36.70A.680 and 36.70A.681 are not subject to administrative or judicial appeals under this chapter.

(4) Adoption of ordinances, development regulations and amendments to such regulations, and other nonproject actions by a city or county to implement the housing element requirements set forth in RCW 36.70A.070(2) are not subject to administrative or judicial appeals under this chapter.

Sec. 6. RCW 43.155.070 and 2021 c 65 s 49 are each amended to read as follows:

(1) To qualify for financial assistance under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive financial assistance under this chapter unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving financial assistance under this chapter if such request is made

before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 that has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 may apply for and receive financial assistance under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before executing a contractual agreement for financial assistance with the board.

(3) In considering awarding financial assistance for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board must consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4)(a) The board must develop a process to prioritize applications and funding of loans and grants for public works projects submitted by local governments. The board must consider, at a minimum and in any order, the following factors in prioritizing projects:

(i) Whether the project is critical in nature and would affect the health and safety of many people;

(ii) The extent to which the project leverages other funds;

(iii) The extent to which the project is ready to proceed to construction;

(iv) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(v) Whether the project promotes the sustainable use of resources and environmental quality, as applicable;

(vi) Whether the project consolidates or regionalizes systems;

(vii) Whether the project encourages economic development through mixed-use and mixed income development consistent with chapter 36.70A RCW;

(viii) Whether the system is being well-managed in the present and for long-term sustainability;

(ix) Achieving equitable distribution of funds by geography and population;

(x) The extent to which the project meets the following state policy objectives:

(A) Efficient use of state resources;

(B) Preservation and enhancement of health and safety;

(C) Abatement of pollution and protection of the environment;

(D) Creation of new, family-wage jobs, and avoidance of shifting existing jobs from one Washington state community to another;

(E) Fostering economic development consistent with chapter 36.70A RCW;

(F) Efficiency in delivery of goods and services and transportation; and

(G) Reduction of the overall cost of public infrastructure;

(xi) Whether the applicant sought or is seeking funding for the project from other sources; ((~~and~~))

(xii) Whether the city or county has voluntarily submitted their housing element and housing development regulations under section 1 of this act; and

(xiii) Other criteria that the board considers necessary to achieve the purposes of this chapter.

(b) Before September 1, 2018, and each year thereafter, the board must develop and submit a report regarding the construction loans and grants to the office of financial management and appropriate fiscal committees of the senate and house of representatives. The report must include:

(i) The total number of applications and amount of funding requested for public works projects;

(ii) A list and description of projects approved in the preceding fiscal year with project scores against the board's prioritization criteria;

(iii) The total amount of loan and grants disbursements made from the public works assistance account in the preceding fiscal year;

(iv) The total amount of loan repayments in the preceding fiscal year for outstanding loans from the public works assistance account;

(v) The total amount of loan repayments due for outstanding loans for each fiscal year over the following ten-year period; and

(vi) The total amount of funds obligated and timing of when the funds were obligated in the preceding fiscal year.

(c) The maximum amount of funding that the board may provide for any jurisdiction is ten million dollars per biennium.

(5) Existing debt or financial obligations of local governments may not be refinanced under this chapter. Each local government applicant must provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(6) Before September 1st of each year, the board must develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans and grants made under RCW 43.155.065 and 43.155.068.

(7) The board may not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds to the board for the purpose of funding public works projects under this chapter.

(8) To qualify for loans, grants, or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70A.205 RCW.

(9) After January 1, 2010, any project designed to address the effects of stormwater or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(10) For projects involving repair, replacement, or improvement of a wastewater treatment plant or other public works facility for which an investment grade efficiency audit is reasonably obtainable, the public works board must require as a contract condition that the project sponsor undertake an investment grade efficiency audit. The project sponsor may finance the costs of the audit as part of its public works assistance account program loan or grant.

(11) The board must implement policies and procedures designed to maximize local government consideration of other funds to finance local infrastructure.

NEW SECTION. **Sec. 7.** A new section is added to chapter 36.70A RCW to read as follows:

The state, through the department and the attorney general, shall represent its interest before agencies of the United States, interstate agencies, and the courts with regard to comprehensive plans, regulations, activities, or uses approved under this act. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies.

NEW SECTION. **Sec. 8.** This act may be known and cited as the housing accountability act.

NEW SECTION. **Sec. 9.** 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 "act;" strike the remainder

of the title and insert "amending RCW 36.70A.290, 36.70A.130, and 43.155.070; reenacting and amending RCW 36.70A.280 and 43.21C.495; adding new sections to chapter 36.70A RCW; and creating a new section."

Senators Bateman 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. 0187 by Senator Bateman to Second Substitute Senate Bill No. 5148.

The motion by Senator Bateman carried and striking floor amendment no. 0187 was adopted by voice vote.

MOTION

On motion of Senator Bateman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5148 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5148.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5148 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Senators Alvarado, Bateman, Boehnke, Braun, Chapman, Christian, Cleveland, 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, Warnick, Wilson, C. and Wilson, J.

Voting nay: Senators Conway and Wagoner

Excused: Senator Wellman

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5148, 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. 5680, by Senators Hansen, Frame, Hasegawa, Lovelett, Short, Stanford, and Valdez

Establishing a right to repair for mobility equipment for persons with physical disabilities.

The measure was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 5680 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hansen, Boehnke and Lovelett 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. 5680.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5680 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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, Wilson, C. and Wilson, J.

Excused: Senator Wellman

SENATE BILL NO. 5680, 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. 5445, by Senators Boehnke, Hasegawa, and Slatter

Encouraging utility investment in local energy resilience.

MOTION

On motion of Senator Boehnke, Substitute Senate Bill No. 5445 was substituted for Senate Bill No. 5445 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5445, by Senate Committee on Environment, Energy & Technology (originally sponsored by Boehnke, Hasegawa, and Slatter)

Encouraging utility investment in local energy resilience.

The measure was read the second time.

MOTION

Senator Boehnke moved that the following striking floor amendment no. 0209 by Senator Boehnke be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** (1) The legislature finds that, as Washington works towards meeting its goals under the clean energy transformation act, we see many larger-scale renewable energy projects proposed. These projects can come with significant challenges. This act aims to incentivize the development of renewable energy on lands and structures that have minimal disruption to natural habitats, communities, cultural resources, and agriculture. This could include small-scale wind energy developments, solar energy developments on landfills, structures, and other developed lands, and the placement of solar panels on agricultural lands that ensure the continued viability of

agriculture alongside energy production. Incentivizing distributed energy can help us protect our rich agricultural lands and meet our clean energy goals.

(2)(a) The legislature finds and declares that the Pacific Northwest utilities conference committee has estimated demand for electricity in the region will increase 30 percent over the next decade. High-tech manufacturing, increasing electrification of buildings and transportation, and surging data center needs contribute to the expected increase in demand. Local economies benefit from projects that will help meet this demand and improve distribution system resilience with local resources and investments.

(b) The legislature further finds and declares that utilities are essential partners in achieving the state's decarbonization goals while meeting increasing demand and ensuring grid reliability. Such projects can create high quality jobs, provide opportunities for training apprentice workers, and help utilities leverage their own expertise, community relationships, and resources to address our energy challenges.

(c) The legislature intends to support utilities who make significant investments in energy resilience by establishing an alternate compliance pathway in the energy independence act for utilities who invest in distributed energy priority projects.

NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21F RCW to read as follows:

(1) The following categories of clean energy facilities and nonproject activities that reduce environmental impacts are determined to constitute distributed energy priorities:

(a) Solar energy generation and accompanying energy storage and electricity transmission and distribution, including vehicle charging equipment, when such facilities are located:

(i) Within the easement, right-of-way, or existing footprint of electrical transmission facilities;

(ii) Within the easement, right-of-way, or existing footprint of a state highway or city or county road;

(iii) On structures over or enclosing irrigation canals, drainage ditches, and irrigation, agricultural, livestock supply, stormwater, or wastewater reservoirs or similar impoundments of state waters that do not host salmon or steelhead trout runs;

(iv) On elevated structures over parking lots;

(v) On lands within a transportation facility, including but not limited to airports and railroad facilities, or restricted from other developments by transportation facility operations;

(vi) On closed or capped portions of landfills;

(vii) On reclaimed or former surface mine lands or contaminated sites that have been remediated under chapter 70A.305 RCW or the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9601 et seq.) in a manner that includes an asphalt or soil cap;

(viii) As an agrivoltaic facility; and

(ix) On existing structures;

(b) Wind energy generation that is not a utility-scale wind energy facility as defined in RCW 70A.550.010, and accompanying energy storage and transmission and distribution equipment, including vehicle charging equipment;

(c) Energy storage, when such facilities are located:

(i) Within the easement, right-of-way, or existing footprint of electrical transmission facilities;

(ii) Within the easement, right-of-way, or existing footprint of a state highway or city or county road;

(iii) On lands within a transportation facility, including but not limited to airports and railroad facilities, or restricted from other developments by transportation facility operations;

(iv) On closed or capped portions of landfills;

(v) On reclaimed or former surface mine lands;

(vi) On contaminated sites that have been remediated under chapter 70A.305 RCW or the federal comprehensive environmental response, compensation, and liability act (42 U.S.C. Sec. 9601 et seq.) in a manner that includes an asphalt or soil cap; and

(vii) On or in existing structures;

(d) Programs that reduce electric demand, manage the level or timing of electricity consumption, or provide electricity storage, renewable or nonemitting electric energy, capacity, or ancillary services to an electric utility and that are located on the distribution system, any subsystem of the distribution system, or behind the customer meter, including conservation and energy efficiency; and

(e) Programs that reduce energy demand, manage the level or timing of energy consumption, or provide thermal energy storage.

(2)(a) The department must review and, when appropriate, periodically recommend to the legislature additional types of distributed energy priorities for inclusion on the list under subsection (1) of this section.

(b) The identification of distributed energy priorities in subsection (1) of this section applies to the maximum extent practical under state and federal law, but does not include any development sites or activities prohibited under other state or federal laws.

(3)(a) For purposes of this section, "agrivoltaic facility" means a ground-mounted photovoltaic solar energy system that is designed to be operated coincident with continued productive agricultural use of the land or both the continued productive agricultural use of the land and the provision of ecological value, including habitat.

(b) Eligible agricultural products and uses include any combination of:

(i) Crop production;

(ii) Grazing;

(iii) Animal husbandry; and

(iv) Apiaries with pollinator habitat that have been designed and installed to enable the agricultural producer the flexibility to change what products are produced, raised, or grown at any point throughout the life of the facility.

(c) An agrivoltaic facility must not permanently or significantly degrade the agricultural or ecological productivity of the land after the cessation of the operation of the facility or involve the sale of a water right associated with the land.

(d) An agrivoltaic facility must be constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products by an agricultural producer:

(i) On land beneath or between rows of solar panels, or both; and

(ii) As soon as agronomically feasible and optimal for the agricultural producer after the commercial solar operation date, and continuing until facility decommissioning.

(e) Solar panel arrays must be designed and installed in a manner that supports the continuation of a viable farm operation for the life of the array, and must consider, as appropriate, the availability of light, water infrastructure for crops or animals, and panel height and spacing relative to farm machinery needs.

NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21C RCW to read as follows:

The following actions are categorically exempt from the requirements of this chapter, except when undertaken wholly or partly on lands covered by water:

(1) The construction of structures with a footprint of less than 1,000 square feet that support solar energy generation panels or associated equipment;

(2) The construction of structures that support solar energy generation panels or associated equipment on elevated structures

located wholly over parking lots; and

(3) Solar energy generation and accompanying energy storage and electricity transmission and distribution when such facilities do not involve penetration of an asphalt or soil cap, are served by and accessible to emergency fire response services, as determined by the entity that would be lead agency for purposes of the chapter, and are located wholly on:

(a) Closed or capped portions of landfills; or

(b) Reclaimed or former surface mine lands.

Sec. 4. RCW 84.34.020 and 2014 c 125 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) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly((~~,~~)); or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification((~~,~~)); or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is ((~~twenty~~)) 20 or more acres or multiple parcels of land that are contiguous and total ((~~twenty~~)) 20 or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than ((~~twenty~~)) 20 acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) ((~~One hundred dollars~~)) $100 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, ((~~two hundred dollars~~)) $200 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) ((~~One thousand dollars~~)) $1,000 or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, ((~~fifteen hundred dollars~~)) $1,500 or more per year for three of the five calendar years preceding the date of application for classification under this chapter. Parcels of land described in (b)(i)(A) and (c)(i) of this subsection will, upon any transfer of the property excluding a transfer to a surviving spouse or surviving state registered domestic partner, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than ((~~twenty~~)) 20 acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within ((~~fifteen~~)) 15 years and a demonstrable investment in the production of those crops equivalent to ((~~one hundred dollars~~)) $100 or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed ((~~twenty~~)) 20 percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands";

(f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes;

(g) Any land that is used primarily for equestrian related activities for which a charge is made, including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed and that otherwise meet the requirements of (a), (b), or (c) of this subsection; ((~~or~~))

(h) Any land primarily used for commercial horticultural purposes, including growing seedlings, trees, shrubs, vines, fruits, vegetables, flowers, herbs, and other plants in containers, whether under a structure or not, subject to the following:

(i) The land is not primarily used for the storage, care, or selling of plants purchased from other growers for retail sale;

(ii) If the land is less than five acres and used primarily to grow

plants in containers, such land does not qualify as "farm and agricultural land" if more than ((~~twenty-five~~)) 25 percent of the land used primarily to grow plants in containers is open to the general public for on-site retail sales;

(iii) If more than ((~~twenty~~)) 20 percent of the land used for growing plants in containers qualifying under this subsection (2)(h) is covered by pavement, none of the paved area is eligible for classification as "farm and agricultural land" under this subsection (2)(h). The eligibility limitations described in this subsection (2)(h)(iii) do not affect the land's eligibility to qualify under (e) of this subsection; and

(iv) If the land classified under this subsection (2)(h), in addition to any contiguous land classified under this subsection, is less than ((~~twenty~~)) 20 acres, it must meet the applicable income or investment requirements in (b), (c), or (d) of this subsection; or

(i) Lands identified in (a) through (h) of this subsection on which an agrivoltaic facility is located.

(3) "Timberland" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timberland means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ((~~ten~~)) 10 percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" means the contract vendee.

(6)(a) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, is considered contiguous.

(b) For purposes of this subsection (6):

(i) "Same ownership" means owned by the same person or persons, except that parcels owned by different persons are deemed held by the same ownership if the parcels are:

(A) Managed as part of a single operation; and

(B) Owned by:

(I) Members of the same family;

(II) Legal entities that are wholly owned by members of the same family; or

(III) An individual who owns at least one of the parcels and a legal entity or entities that own the other parcel or parcels if the entity or entities are wholly owned by that individual, members of his or her family, or that individual and members of his or her family.

(ii) "Family" includes only:

(A) An individual and his or her spouse or domestic partner, child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(B) The spouse or domestic partner of an individual's child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling;

(C) A child, stepchild, adopted child, grandchild, parent, stepparent, grandparent, cousin, or sibling of the individual's spouse or the individual's domestic partner; and

(D) The spouse or domestic partner of any individual described in (b)(ii)(C) of this subsection (6).

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

(9) "Agrivoltaic facility" has the same meaning as described in section 2 of this act.

Sec. 5. RCW 84.34.070 and 2017 c 251 s 1 are each amended to read as follows:

(1)(a) When land has once been classified under this chapter, it must remain under such classification and must not be applied to other use except as provided by subsection (2) of this section for at least ten years from the date of classification. It must continue under such classification until and unless withdrawn from classification after notice of request for withdrawal is made by the owner. After the initial ((~~ten~~)) 10-year classification period has elapsed, notice of request for withdrawal of all or a portion of the land may be given by the owner to the assessor or assessors of the county or counties in which the land is situated. If a portion of a parcel is removed from classification, the remaining portion must meet the same requirements as did the entire parcel when the land was originally granted classification under this chapter unless the remaining parcel has different income criteria. Within seven days the assessor must transmit one copy of the notice to the legislative body that originally approved the application. The assessor or assessors, as the case may be, must withdraw the land from the classification and the land is subject to the additional tax and applicable interest due under RCW 84.34.108. Agreement to tax according to use is not considered to be a contract and can be abrogated at any time by the legislature in which event no additional tax or penalty may be imposed.

(b) If the assessor gives written notice of removal as provided in RCW 84.34.108(1)(d)(i) of all or a portion of land classified under this chapter before the owner gives a notice of request for withdrawal in (a) of this subsection, the provisions of RCW 84.34.108 apply.

(2)(a) The following reclassifications are not considered withdrawals or removals and are not subject to additional tax under RCW 84.34.108:

(i) Reclassification between lands under RCW 84.34.020 (2) and (3);

(ii) Reclassification of land classified under RCW 84.34.020 (2) or (3) or designated under chapter 84.33 RCW to open space land under RCW 84.34.020(1);

(iii) Reclassification of land classified under RCW 84.34.020 (2) or (3) to forestland designated under chapter 84.33 RCW; and

(iv) Reclassification of land classified as open space land under RCW 84.34.020(1)(c) and reclassified to farm and agricultural land under RCW 84.34.020(2) if the land had been previously classified as farm and agricultural land under RCW 84.34.020(2).

(b) Designation as forestland under RCW 84.33.130(1) as a result of a merger adopted under RCW 84.34.400 is not considered a withdrawal or removal and is not subject to additional tax under RCW 84.34.108.

(3) Applications for reclassification are subject to applicable provisions of RCW 84.34.037, 84.34.035, 84.34.041, and chapter 84.33 RCW.

(4) The income criteria for land classified under RCW 84.34.020(2) (b) and (c) may be deferred for land being reclassified from land classified under RCW 84.34.020 (1)(c) or (3), or chapter 84.33 RCW into RCW 84.34.020(2) (b) or (c) for

a period of up to five years from the date of reclassification.

(5) The addition of an agrivoltaic facility to farm and agricultural lands does not constitute a reclassification for purposes of this chapter and is not considered a withdrawal or removal subject to additional tax under RCW 84.34.108.

Sec. 6. RCW 19.285.040 and 2024 c 278 s 2 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in the most recently published regional power plan as it existed on June 12, 2014, or a subsequent date as may be provided by the department or the commission by rule, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. Nothing in the rule adopted under this subsection precludes a qualifying utility from using its utility specific conservation measures, values, and assumptions in identifying its achievable cost-effective conservation potential. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c)(i) Except as provided in (c)(ii) and (iii) of this subsection, beginning on January 1, 2014, cost-effective conservation achieved by a qualifying utility in excess of its biennial acquisition target may be used to help meet the immediately subsequent two biennial acquisition targets, such that no more than 20 percent of any biennial target may be met with excess conservation savings.

(ii) Beginning January 1, 2014, a qualifying utility may use single large facility conservation savings in excess of its biennial target to meet up to an additional five percent of the immediately subsequent two biennial acquisition targets, such that no more than 25 percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined. For the purposes of this subsection (1)(c)(ii), "single large facility conservation savings" means cost-effective conservation savings achieved in a single biennial period at the premises of a single customer of a qualifying utility whose annual electricity consumption prior to the conservation savings exceeded five average megawatts.

(iii) Beginning January 1, 2012, and until December 31, 2017, a qualifying utility with an industrial facility located in a county with a population between 95,000 and 115,000 that is directly interconnected with electricity facilities that are capable of carrying electricity at transmission voltage may use cost-effective conservation from that industrial facility in excess of its biennial acquisition target to help meet the immediately subsequent two biennial acquisition targets, such that no more than 25 percent of any biennial target may be met with excess conservation savings allowed under all of the provisions of this section combined.

(d) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than 33 percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(e) A qualifying utility is considered in compliance with its biennial acquisition target for cost-effective conservation in (b) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the conservation target. Events that a qualifying utility may demonstrate were beyond its reasonable control, that could not have reasonably been anticipated or ameliorated, and that prevented it from meeting the conservation target include: (i) Natural disasters resulting in the issuance of extended emergency declarations; (ii) the cancellation of significant conservation projects; and (iii) actions of a governmental authority that adversely affects the acquisition of cost-effective conservation by the qualifying utility.

(f) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(g) In addition to the requirements of RCW 19.280.030(3), in assessing the cost-effective conservation required under this section, a qualifying utility is encouraged to promote the adoption of air conditioning, as defined in RCW 70A.60.010, with refrigerants not exceeding a global warming potential of 750 and the replacement of stationary refrigeration systems that contain ozone-depleting substances or hydrofluorocarbon refrigerants with a high global warming potential.

(h) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Except as provided in (j) of this subsection, each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or any combination of them, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least 15 percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than coal transition power or renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) A qualifying utility may use renewable energy credits to meet the requirements of this section, subject to the limitations of this subsection.

(i) A renewable energy credit from electricity generated by a resource other than freshwater may be used to meet a requirement applicable to the year in which the credit was created, the year before the year in which the credit was created, or the year after the year in which the credit was created.

(ii) A renewable energy credit from electricity generated by freshwater:

(A) May only be used to meet a requirement applicable to the year in which the credit was created; and

(B) Must be acquired by the qualifying utility through ownership of the generation facility or through a transaction that conveyed both the electricity and the nonpower attributes of the electricity.

(iii) A renewable energy credit transferred to an investor-owned utility pursuant to the Bonneville power administration's residential exchange program may not be used by any utility other than the utility receiving the credit from the Bonneville power administration.

(iv) Each renewable energy credit may only be used once to meet the requirements of this section and must be retired using procedures of the renewable energy credit tracking system.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(j)(i) Beginning January 1, 2016, only a qualifying utility that owns or is directly interconnected to a qualified biomass energy facility may use qualified biomass energy to meet its compliance obligation under this subsection.

(ii) A qualifying utility may no longer use electricity and associated renewable energy credits from a qualified biomass energy facility if the associated industrial pulping or wood manufacturing facility ceases operation other than for purposes of maintenance or upgrade.

(k) An industrial facility that hosts a qualified biomass energy facility may only transfer or sell renewable energy credits associated with qualified biomass energy generated at its facility to the qualifying utility with which it is directly interconnected with facilities owned by such a qualifying utility and that are capable of carrying electricity at transmission voltage. The qualifying utility may only use an amount of renewable energy credits associated with qualified biomass energy that are equivalent to the proportionate amount of its annual targets under (a)(ii) and (iii) of this subsection that was created by the load of the industrial facility. A qualifying utility that owns a qualified biomass energy facility may not transfer or sell renewable energy credits associated with qualified biomass energy to another person, entity, or qualifying utility.

(l) A qualifying utility shall be considered in compliance if the utility uses any combination of eligible renewable resources as defined in RCW 19.285.030 and distributed energy priority project as defined in subsection (4) of this section to meet its compliance obligations under this subsection (2).

(m) Beginning January 1, 2020, a qualifying utility may use eligible renewable resources as identified under RCW 19.285.030(12) (g) and (h) to meet its compliance obligation under this subsection (2). A qualifying utility may not transfer or sell these eligible renewable resources to another utility for compliance purposes under this chapter.

((~~(m)~~)) (n) Beginning January 1, 2030, a qualifying utility is considered to be in compliance with an annual target in (a) of this subsection if the utility uses electricity from: (i) Renewable resources and renewable energy credits as defined in RCW 19.285.030; and (ii) nonemitting electric generation as defined in RCW 19.405.020, in an amount equal to 100 percent of the utility's average annual retail electric load. Nothing in this subsection relieves the requirements of a qualifying utility to comply with subsection (1) of this section.

((~~(n)~~)) (o) A qualifying utility shall exclude from its annual targets under this subsection (2) its voluntary renewable energy purchases.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

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

(a)(i) "Accelerated conservation" means conservation included in the qualifying utility's most recent cost-effective conservation potential established in compliance with subsection (1)(a) of this section and in excess of the biennial acquisition target established in compliance with subsection (1)(b) of this section.

(ii) Accelerated conservation acquired in the target year must be in an amount no less than the annual target amount under subsection (2)(a) of this section, as measured in megawatt-hours.

(iii) The amount of accelerated conservation must be measured as the annual energy savings measured in megawatt-hours multiplied by the projected useful life of the conservation measures acquired.

(iv) Any conservation savings used under this alternative compliance method may not be included as excess conservation savings under subsection (1)(c) of this section.

(b) "Demand response" has the same meaning as in RCW 19.405.020. For the purpose of quantifying the amount of demand response eligible to be claimed under subsection (2)(l) of this section, the following requirements apply:

(i) The amount of demand response must be converted to a megawatt-hour amount by determining the reduction in peak load in megawatts resulting from the demand response measure, dividing this value by the system peak demand in megawatts of

the qualifying utility, and multiplying this value by the average annual system load of the utility in megawatt-hours.

(ii) The amount that may be claimed under subsection (2)(l) of this section is equal to the amount calculated under (b)(i) of this subsection multiplied by the projected useful life of the demand response measures being acquired.

(iii) All demand response acquired and claimed under subsection (2)(l) of this section must be documented, measured, and verified using procedures comparable to procedures used for conservation measures.

(c) "Distributed energy priority project" means any combination of the following projects in the geographical area in which the utility provides electric service: (i) Accelerated conservation; (ii) demand response; (iii) distributed energy storage; (iv) distributed solar energy generation; and (v) distributed wind energy generation.

(d) "Distributed energy storage" has the same meaning as "energy storage" in section 2(1)(c) of this act.

(e) "Distributed solar energy generation" has the same meaning as "solar energy generation" as in section 2(1)(a) of this act.

(f) "Distributed wind energy generation" has the same meaning as "wind energy generation" in section 2(1)(b) of this act.

NEW SECTION. **Sec. 7.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "encouraging" strike the remainder of the title and insert "the development of distributed energy resources; amending RCW 84.34.020, 84.34.070, and 19.285.040; adding a new section to chapter 43.21F RCW; adding a new section to chapter 43.21C RCW; and creating a new section."

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

Senator Kauffman spoke against adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of striking floor amendment no. 0209 by Senator Boehnke to Substitute Senate Bill No. 5445.

The motion by Senator Boehnke carried and striking floor amendment no. 0209 was adopted by voice vote.

MOTION

On motion of Senator Boehnke, the rules were suspended, Engrossed Substitute Senate Bill No. 5445 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Boehnke and Lovelett 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. 5445.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5445 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 2; Absent, 0; Excused, 1.

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, Wilson, C. and Wilson, J.

Voting nay: Senators Hasegawa and Kauffman

Excused: Senator Wellman

ENGROSSED SUBSTITUTE SENATE BILL NO. 5445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5490, by Senators Dhingra, Chapman, Hasegawa, Lovick, Nobles, Orwall, Slatter, Stanford, Trudeau, Valdez, and Wilson, C.

Providing parameters for conducting searches of transgender and intersex individuals confined in a local jail in compliance with federal law.

MOTION

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 5490, by Senate Committee on Human Services (originally sponsored by Dhingra, Chapman, Hasegawa, Lovick, Nobles, Orwall, Slatter, Stanford, Trudeau, Valdez, and Wilson, C.)

Providing parameters for conducting searches of transgender and intersex individuals confined in a local jail in compliance with federal law.

The measure was read the second time.

MOTION

Senator Fortunato moved that the following floor amendment no. 0058 by Senator Fortunato be adopted:

On page 2, beginning on line 6, after "be" strike all material through "identity" on line 15 and insert "conducted only by a medical professional. For the purposes of this subsection, "medical professional" includes registered nurses, advanced practice registered nurses, physicians, and physician assistants"

On page 3, line 7, after "physician," insert "advanced practice registered nurse,"

On page 4, beginning on line 7, after "the" strike all material through "identity" on line 14 and insert "search of the individual shall be conducted by a medical professional. For the purposes of this subsection, "medical professional" includes registered nurses, advanced practice registered nurses, physicians, and physician assistants"

WITHDRAWAL OF AMENDMENT

On motion of Senator Fortunato and without objection, floor amendment no. 0058 by Senator Fortunato on page 2, line 6 to Substitute Senate Bill No. 5490 was withdrawn.

MOTION

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

Senator Dhingra spoke in favor of passage of the bill.

Senators Christian and Warnick spoke against passage of the bill.

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

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5490 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 19; Absent, 0; Excused, 1.

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 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.

Excused: Senator Wellman

SUBSTITUTE SENATE BILL NO. 5490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5215, by Senators Shewmake, Wellman, Bateman, Trudeau, Valdez, Chapman, Saldaña, Stanford, Orwall, Dhingra, Cleveland, Frame, Hasegawa, Nobles, and Wilson, C.

Concerning debris escaping from vehicles on public highways.

MOTION

On motion of Senator Shewmake, Substitute Senate Bill No. 5215 was substituted for Senate Bill No. 5215 and the substitute bill was placed on the second reading and read the second time.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5215, by Senate Committee on Transportation (originally sponsored by Shewmake, Wellman, Bateman, Trudeau, Valdez, Chapman, Saldaña, Stanford, Orwall, Dhingra, Cleveland, Frame, Hasegawa, Nobles, and Wilson, C.)

Concerning debris escaping from vehicles on public highways.

The measure was read the second time.

MOTION

On motion of Senator Shewmake, the rules were suspended, Substitute Senate Bill No. 5215 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shewmake and King 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. 5215.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5215 and the bill passed the Senate by the following vote: Yeas, 34; Nays, 14; Absent, 0; Excused, 1.

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

Voting nay: Senators Boehnke, Braun, Christian, Dozier, Gildon, Goehner, McCune, Muzzall, Schoesler, Short, Torres, Wagoner, Warnick and Wilson, J.

Excused: Senator Wellman

SUBSTITUTE SENATE BILL NO. 5215, 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 that there would be no Republican Caucus.

MOTION

At 3:38 p.m., on motion of Senator Riccelli, the Senate adjourned until 10 o'clock a.m. Wednesday, March 12, 2025.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate