

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

FIFTY THIRD DAY

MORNING SESSION

Senate Chamber, Olympia
Thursday, March 4, 2021

The Senate was called to order at 10:03 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 Washington State Patrol Honor Guard presented the Colors.

Mr. Richard McCaine led the Senate in the Pledge of Allegiance. Mr. McCaine is a former U.S. Navy Master Chief Petty Officer and a guest of Senator Jeff Wilson.

The prayer was offered by Reverend Sandy Ward of Tumwater United Methodist Church.

MOTIONS

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

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

MESSAGE FROM THE HOUSE

March 2, 2021

MR. PRESIDENT:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1115,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1117,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1140,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1214,

SECOND SUBSTITUTE HOUSE BILL NO. 1219,

SUBSTITUTE HOUSE BILL NO. 1269,

SUBSTITUTE HOUSE BILL NO. 1322,

SUBSTITUTE HOUSE BILL NO. 1355,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO.
1382,

ENGROSSED HOUSE BILL NO. 1386,

HOUSE BILL NO. 1437,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1443,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1529,

and the same are herewith transmitted.

BERNARD DEAN, Chief Clerk

MOTION

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

INTRODUCTION AND FIRST READING

SB 5471 by Senator Padden

AN ACT Relating to knowing possession of a controlled substance; amending RCW 69.50.4011, 69.50.4013, 69.50.4014, 69.41.030, and 69.41.030; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Law & Justice.

E2SHB 1086 by House Committee on Appropriations (originally sponsored by Simmons, Caldier, Bateman, Ortiz-Self, Shewmake, Ryu, Chopp, Cody, Goodman, Fey, Stonier, Macri, Fitzgibbon, Frame and Davis)

AN ACT Relating to the creation of the state office of behavioral health consumer advocacy; amending RCW 71.24.045 and 71.24.380; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.24.350; and providing an effective date.

Referred to Committee on Health & Long Term Care.

HB 1105 by Representatives Kloba, Simmons, Fitzgibbon, Dolan, Ortiz-Self, Goodman, Vick, Ormsby, Riccelli, Santos, Macri and Davis

AN ACT Relating to arrest protections for the medical use of cannabis; amending RCW 69.51A.040, 69.51A.055, and 69.51A.060; and repealing RCW 69.51A.043.

Referred to Committee on Law & Justice.

SHB 1107 by House Committee on Transportation (originally sponsored by Chapman, Barkis, Corry, Tharinger and Graham)

AN ACT Relating to expanding certain nonresident vessel permit provisions; amending RCW 88.02.620, 88.02.640, and 82.32.865; amending 2017 c 323 §§ 302 and 303 (uncodified); and providing expiration date.

Referred to Committee on Transportation.

2SHB 1127 by House Committee on Appropriations (originally sponsored by Slatter, Boehnke, Valdez, Kloba, Graham, Macri and Pollet)

AN ACT Relating to protecting the privacy and security of COVID-19 health data collected by entities other than public health agencies, health care providers, and health care facilities; amending RCW 42.56.360; adding a new chapter to Title 70 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Health & Long Term Care.

SHB 1145 by House Committee on Environment & Energy (originally sponsored by Rude)

AN ACT Relating to allowing the use of nonwood renewable fiber in recycled content paper carryout bags; and amending RCW 70A.530.010, 70A.530.020, and 70A.530.005.

Referred to Committee on Environment, Energy & Technology.

SHB 1155 by House Committee on Finance (originally sponsored by Riccelli, Ormsby and Lekanoff)

AN ACT Relating to sales and use tax for emergency communication systems and facilities; and amending RCW 82.14.420.

Referred to Committee on Housing & Local Government.

E2SHB 1216 by House Committee on Appropriations (originally sponsored by Ramos, Callan, Lekanoff, Fitzgibbon, Kloba, Ortiz-Self, Ormsby, Hackney and Ramel)

AN ACT Relating to urban and community forestry; amending RCW 76.15.005, 76.15.007, 76.15.010, 76.15.020, 76.15.030, 76.15.050, 76.15.060, 76.15.090, 35.92.390, 35A.80.040, 80.28.300, 89.08.520, 79.105.150, 43.155.120, 70A.135.070, 79A.15.040, 36.01.260, 54.16.400, 89.08.590, 79.105.630, and 79A.15.150; adding new sections to chapter 76.15 RCW; creating new sections; and repealing RCW 35.105.010, 35.105.020, 35.105.030, 35.105.040, 35.105.050, 35.105.060, 35.105.070, 35.105.080, 35.105.090, 35.105.100, 35.105.110, 35.105.120, 76.15.070, and 76.15.080.

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

HB 1315 by Representatives Mosbrucker, Orwall, Ryu, Simmons, Leavitt, Sells, Wylie, Ortiz-Self, Davis, Valdez, J. Johnson, Ormsby, Rule, Lekanoff, Duerr and Goodman

AN ACT Relating to creating a task force to identify the role of the workplace in helping curb domestic violence; creating new sections; and providing expiration dates.

Referred to Committee on Labor, Commerce & Tribal Affairs.

E2SHB 1320 by House Committee on Appropriations (originally sponsored by Goodman, Thai, Fitzgibbon, Hackney, Wylie, Gregerson, Senn, Ortiz-Self, Davis, Valdez, Lekanoff, Macri, Slatter and Peterson)

AN ACT Relating to modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders; amending RCW 7.--.--, 7.--.--, 7.--.--, 9.41.040, 9.41.075, 9.41.801, 10.99.045, 26.55.010, 26.55.020, 26.55.030, 26.55.040, 26.55.050, 2.28.210, 4.08.050, 4.24.130, 7.77.060, 7.77.080, 9.41.010, 9.41.070, 9.41.173, 9.94A.411, 9.94A.515, 9.94A.525, 9.94A.637, 9.94A.660, 9.94A.662, 9.94A.703, 9.96.060, 9A.36.041, 9A.40.104, 9A.46.040, 9A.46.060, 9A.46.085, 9A.46.110, 9A.88.170, 9A.88.180, 10.01.240, 10.05.020, 10.05.030, 10.22.010, 10.31.100, 10.66.010, 10.95.020, 10.99.040, 10.99.050, 10.99.090, 11.92.195, 11.130.257, 11.130.335, 12.04.140, 12.04.150, 19.220.010, 26.09.003, 26.09.015, 26.09.050, 26.09.060, 26.09.191, 26.09.300, 26.12.260, 26.12.802, 26.26A.470, 26.26B.020, 26.26B.050, 26.28.015, 26.44.020, 26.51.020, 26.52.010, 26.52.070, 36.18.020, 43.43.754, 48.18.550, 49.76.020, 59.18.575, 71.09.305, 71.32.090, 71.32.200, 72.09.712, 72.09.714, 74.34.020, 74.34.020, 74.34.110, 7.90.150, and 7.92.160; reenacting and amending RCW 9.41.800, 9.41.300, 9.94A.030, 10.99.020, 36.28A.410, 41.04.655, 43.43.842, 50.20.050, 59.18.570, and 71.32.260; adding a new section to chapter 9.41 RCW; adding new sections to chapter 26.55 RCW; adding a new section to chapter 28A.225 RCW; adding a new section to chapter 43.20A RCW; adding a new section to chapter 70.123 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.46 RCW; adding a new chapter to Title 7 RCW; creating new sections; recodifying RCW 26.50.150, 26.50.250, 7.90.150, and 7.92.160; repealing RCW 7.90.005, 7.90.010, 7.90.020,

7.90.030, 7.90.040, 7.90.050, 7.90.052, 7.90.053, 7.90.054, 7.90.055, 7.90.060, 7.90.070, 7.90.080, 7.90.090, 7.90.100, 7.90.110, 7.90.120, 7.90.121, 7.90.130, 7.90.140, 7.90.155, 7.90.160, 7.90.170, 7.90.180, 7.90.190, 7.90.900, 7.92.010, 7.92.020, 7.92.030, 7.92.040, 7.92.050, 7.92.060, 7.92.070, 7.92.080, 7.92.090, 7.92.100, 7.92.110, 7.92.120, 7.92.125, 7.92.130, 7.92.140, 7.92.150, 7.92.170, 7.92.180, 7.92.190, 7.92.900, 7.92.901, 7.94.010, 7.94.020, 7.94.030, 7.94.040, 7.94.050, 7.94.060, 7.94.070, 7.94.080, 7.94.090, 7.94.100, 7.94.110, 7.94.120, 7.94.130, 7.94.140, 7.94.150, 7.94.900, 10.14.010, 10.14.020, 10.14.030, 10.14.040, 10.14.045, 10.14.050, 10.14.055, 10.14.060, 10.14.065, 10.14.070, 10.14.080, 10.14.085, 10.14.090, 10.14.100, 10.14.105, 10.14.110, 10.14.115, 10.14.120, 10.14.125, 10.14.130, 10.14.140, 10.14.150, 10.14.155, 10.14.160, 10.14.170, 10.14.180, 10.14.190, 10.14.200, 10.14.210, 10.14.800, 26.50.010, 26.50.020, 26.50.021, 26.50.025, 26.50.030, 26.50.035, 26.50.040, 26.50.050, 26.50.055, 26.50.060, 26.50.070, 26.50.080, 26.50.085, 26.50.090, 26.50.095, 26.50.100, 26.50.110, 26.50.115, 26.50.120, 26.50.123, 26.50.125, 26.50.130, 26.50.135, 26.50.140, 26.50.160, 26.50.165, 26.50.200, 26.50.210, 26.50.220, 26.50.230, 26.50.240, 26.50.900, 26.50.901, 74.34.115, 74.34.120, 74.34.130, 74.34.135, 74.34.140, 74.34.145, 74.34.150, 74.34.160, 74.34.163, 74.34.210, and 26.10.115; prescribing penalties; providing effective dates; and providing expiration dates.

Referred to Committee on Law & Justice.

E2SHB 1365 by House Committee on Appropriations (originally sponsored by Gregerson, Stonier, Ramos, Callan, Simmons, J. Johnson, Taylor, Lovick, Leavitt, Ortiz-Self, Berg, Fitzgibbon, Ryu, Morgan, Wicks, Tharinger, Duerr, Ormsby, Hansen, Berry, Dolan, Valdez, Cody, Bronoske, Senn, Bateman, Bergquist, Kloba, Riccelli, Davis, Macri, Ramel, Harris-Talley, Pollet and Sells)

AN ACT Relating to procuring and supporting appropriate computers and devices for public school students and instructional staff; amending RCW 28A.650.010; adding new sections to chapter 28A.650 RCW; creating new sections; and repealing RCW 28A.650.005, 28A.650.015, 28A.650.020, 28A.650.025, 28A.650.030, 28A.650.900, and 28A.650.901.

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

HB 1399 by Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young

AN ACT Relating to reducing barriers to professional licensure for individuals with previous criminal convictions; adding a new chapter to Title 18 RCW; and providing an effective date.

Referred to Committee on Business, Financial Services & Trade.

SHB 1411 by House Committee on Health Care & Wellness (originally sponsored by Simmons, Davis, Santos, Valdez, Berry and Fitzgibbon)

AN ACT Relating to health care workforce eligibility for persons with prior involvement with the criminal justice system; amending RCW 9.97.020, 43.20A.710, 70.128.120, 70.128.120, and 70.128.130; adding a new section to chapter

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

43.20A RCW; adding a new section to chapter 74.39A RCW; creating new sections; providing an effective date; and providing expiration dates.

providing for legal representation in eviction cases, and authorizing landlord access to state rental assistance programs.

Referred to Committee on Health & Long Term Care.

SHB 1416 by House Committee on Civil Rights & Judiciary (originally sponsored by Walen and Santos)
AN ACT Relating to the reporting of debt information by insurers to enhance the collection of past-due child support; amending RCW 26.23.070; adding new sections to chapter 26.23 RCW; creating new sections; and providing an effective date.

Referred to Committee on Law & Justice.

SHB 1423 by House Committee on Environment & Energy (originally sponsored by Fitzgibbon, Springer and Dent)
AN ACT Relating to smoke management civil enforcement; amending RCW 70A.15.3160 and 76.04.205; and prescribing penalties.

Referred to Committee on Environment, Energy & Technology.

ESHB 1426 by House Committee on Education (originally sponsored by Santos, Lekanoff, J. Johnson, Ortiz-Self, Davis, Simmons, Bergquist, Callan, Berg and Pollet)
AN ACT Relating to specifying minimum continuing education requirements for administrator and teacher certificate renewals that focus on equity-based school and classroom practices; and adding a new section to chapter 28A.410 RCW.

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

EHB 1471 by Representatives Santos, Harris-Talley and Lekanoff
AN ACT Relating to community preservation and development authorities; and amending RCW 43.167.010.

Referred to Committee on Housing & Local Government.

MOTIONS

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

At 10:08 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

The Senate was called to order at 11:33 a.m. by President Heck.

SECOND READING

SENATE BILL NO. 5160, by Senators Kuderer, Liias, Conway, Das, Lovelett, Saldaña, and Wilson, C.

Addressing landlord-tenant relations by providing certain tenant protections during and after public health emergencies,

MOTION

On motion of Senator Kuderer, Second Substitute Senate Bill No. 5160 was substituted for Senate Bill No. 5160 and the substitute bill was placed on the second reading and read the second time.

Revised for 2nd Substitute: Addressing landlord-tenant relations by providing certain tenant protections during the public health emergency, providing for legal representation in eviction cases, establishing an eviction resolution pilot program for nonpayment of rent cases, and authorizing landlord access to certain rental assistance programs.

MOTION

Senator Kuderer moved that the following floor amendment no. 234 by Senator Kuderer be adopted:

On page 3, beginning on line 4, after "(6)" strike all material through "(7)" on line 6

On page 4, line 11, after "offer" insert "the tenant"

On page 4, line 15, after "offer" strike "or" and insert ", the landlord may proceed with an unlawful detainer action as set forth in RCW 59.12.030(3) but subject to any requirements under the eviction resolution pilot program established under section 7 of this act. If the tenant"

On page 5, line 3, after "RCW 59.12.030" insert "(3)"

On page 9, line 2, after "(1)(b)" insert "and (d)"

On page 9, line 3, after "damages" insert "or any remaining unpaid rent"

On page 9, line 7, after "damages" insert "or any remaining unpaid rent"

Senator Kuderer spoke in favor of adoption of the amendment. Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 234 by Senator Kuderer on page 3, line 4 to Second Substitute Senate Bill No. 5160.

The motion by Senator Kuderer carried and floor amendment no. 234 was adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 337 by Senator Gildon be adopted:

On page 3, beginning on line 10, after "for" strike all material through ""Tenant"" on line 11 and insert "30 days or more prior to March 1, 2020. "Tenant" does not include any individual residing in a hotel or motel or camping area as their primary dwelling for more than 30 days after March 1, 2020, if the hotel or motel or camping area has provided the individual with a seven-day eviction notice, which must include the following language: "For no-cost legal assistance, please call 2-1-1 or the Northwest Justice Project CLEAR Hotline outside King County (888) 201-1014 weekdays between 9:15 a.m. – 12:15 p.m., or (888) 387-7111 for seniors (age 60 and over). You may find additional resource information at <http://www.washingtonlawhelp.org>." "Tenant" also"

Senators Gildon and Kuderer spoke in favor of adoption of the

amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 337 by Senator Gildon on page 3, line 10 to Second Substitute Senate Bill No. 5160.

The motion by Senator Gildon carried and floor amendment no. 337 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 328 by Senator Short be adopted:

On page 8, line 19, after "(4)" insert "(a)"

On page 8, line 19, after "(1)(b)" strike "and (d)"

On page 8, after line 24, insert the following:

"(b) Claims pursuant to subsection (1)(d) of this section related to a tenancy must total at least \$500 in order for a claim to be eligible for reimbursement from the program. While claims may exceed \$20,000, total reimbursement from the program may not exceed \$20,000 per tenancy."

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

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 328 by Senator Short on page 8, line 19 to Second Substitute Senate Bill No. 5160.

The motion by Senator Short did not carry and floor amendment no. 328 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 180 by Senator Fortunato be adopted:

On page 12, line 32, after "(7)" insert "Any superior court, in collaboration with the dispute resolution center that is located within or serving the same county, participating in the eviction resolution pilot program must report annually to the administrative office of the courts beginning January 1, 2022, until January 1, 2023, on the following:

(a) The number of unlawful detainer actions for nonpayment of rent that were subject to program requirements;

(b) The number of referrals made to dispute resolution centers;

(c) The number of nonpayment of rent cases resolved by the program;

(d) How many instances the tenant had legal representation either at the conciliation stage or formal mediation stage;

(e) The number of certifications issued by dispute resolution centers and filed by landlords with the court; and

(f) Any other information that relates to the efficacy of the pilot program.

(8) By July 1, 2022, until July 1, 2023, the administrative office of the courts must provide a report to the legislature summarizing the report data shared by the superior courts and dispute resolution centers under subsection (7) of this section.

(9)"

Senators Fortunato and Kuderer spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 180 by Senator Fortunato on page 12, line 32 to Second Substitute Senate Bill No. 5160.

The motion by Senator Fortunato carried and floor amendment no. 180 was adopted by voice vote.

MOTION

Senator Gildon moved that the following floor amendment no. 307 by Senator Gildon be adopted:

On page 13, line 6, after "aid." insert "A tenant must fill out the indigency screening form to be eligible for legal services under this section."

Senator Gildon spoke in favor of adoption of the amendment.

Senator Kuderer spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 307 by Senator Gildon on page 13, line 6 to Second Substitute Senate Bill No. 5160.

The motion by Senator Gildon did not carry and floor amendment no. 307 was not adopted by voice vote.

MOTION

Senator Hunt moved that the following floor amendment no. 259 by Senator Hunt be adopted:

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

"**Sec. 13.** RCW 36.18.012 and 2009 c 479 s 20 and 2009 c 417 s 1 are each reenacted and amended to read as follows:

(1) Revenue collected under this section is subject to division with the state.

(2) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a district court in the county of issuance, shall pay at the time of filing a fee of twenty dollars.

(3) The clerk shall collect a fee of twenty dollars for: Filing a document not related to or a part of a proceeding, civil or criminal, or a probate matter, required or permitted to be filed in the clerk's office for which no other charge is provided by law.

~~(4) ((If the defendant serves or files an answer to an unlawful detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay before proceeding with the unlawful detainer action one hundred twelve dollars.~~

~~(5))~~ Any party filing a counterclaim, cross-claim, or third-party claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW shall pay the equivalent to the total filing fee of an unlawful detainer action pursuant to RCW 36.18.020 ~~((, including the fee for an unlawful detainer answer pursuant to subsection (4) of this section)).~~

~~((6))~~ ~~(5)~~ For a restrictive covenant for filing a petition to strike discriminatory provisions in real estate under RCW 49.60.227 a fee of twenty dollars must be charged.

~~((7))~~ ~~(6)~~ A fee of twenty dollars must be charged for filing a will only, when no probate of the will is contemplated.

~~((8))~~ ~~(7)~~ A fee of twenty dollars must be charged for filing a petition, written agreement, or written memorandum in a nonjudicial probate dispute under RCW 11.96A.220, if it is filed within an existing case in the same court.

~~((9))~~ ~~(8)~~ A fee of thirty-five dollars must be charged for filing a petition regarding a common law lien under RCW 60.70.060.

~~((10))~~ ~~(9)~~ For the filing of a tax warrant for unpaid taxes or overpayment of benefits by any agency of the state of Washington, a fee of five dollars on or after July 22, 2001, and for the filing of such a tax warrant or overpayment of benefits on or after July 1, 2003, a fee of twenty dollars, of which forty-six percent of the first five dollars is directed to the state general fund.

Sec. 14. RCW 36.18.020 and 2018 c 269 s 17 are each amended to read as follows:

(1) Revenue collected under this section is subject to division

FIFTY THIRD DAY, MARCH 4, 2021

with the state under RCW 36.18.025 and with the county or regional law library fund under RCW 27.24.070, except as provided in subsection (5) of this section.

(2) Clerks of superior courts shall collect the following fees for their official services:

(a) In addition to any other fee required by law, the party filing the first or initial document in any civil action(;) including, but not limited to an action for restitution, adoption, or change of name, and any party filing a counterclaim, cross-claim, or third-party claim in any such civil action, shall pay, at the time the document is filed, a fee of ~~((two hundred dollars))~~ \$200 except(~~;~~ ~~in an unlawful detainer action under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating filing fee of forty-five dollars, or~~) in proceedings filed under RCW 28A.225.030 alleging a violation of the compulsory attendance laws where the petitioner shall not pay a filing fee. ~~((The forty-five dollar filing fee under this subsection for an unlawful detainer action shall not include an order to show cause or any other order or judgment except a default order or default judgment in an unlawful detainer action.))~~

(b) Any party, except a defendant in a criminal case, filing the first or initial document on an appeal from a court of limited jurisdiction or any party on any civil appeal, shall pay, when the document is filed, a fee of ~~((two hundred dollars))~~ \$200.

(c) For filing of a petition for judicial review as required under RCW 34.05.514 a filing fee of ~~((two hundred dollars))~~ \$200.

(d) For filing of a petition for unlawful harassment under RCW 10.14.040 a filing fee of ~~((fifty-three dollars))~~ \$53.

(e) For filing the notice of debt due for the compensation of a crime victim under RCW 7.68.120(2)(a) a fee of ~~((two hundred dollars))~~ \$200.

(f) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first document therein, a fee of ~~((two hundred dollars))~~ \$200.

(g) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, or a petition objecting to a written agreement or memorandum as provided in RCW 11.96A.220, there shall be paid a fee of ~~((two hundred dollars))~~ \$200.

(h) Upon conviction or plea of guilty, upon failure to prosecute an appeal from a court of limited jurisdiction as provided by law, or upon affirmance of a conviction by a court of limited jurisdiction, an adult defendant in a criminal case shall be liable for a fee of ~~((two hundred dollars))~~ \$200, except this fee shall not be imposed on a defendant who is indigent as defined in RCW 10.101.010(3) (a) through (c).

(i) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972. However, no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(3) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.33.080 or for forms and instructional brochures provided under RCW 26.50.030.

(4) No fee shall be collected when an abstract of judgment is filed by the county clerk of another county for the purposes of collection of legal financial obligations.

(5)(a) Until July 1, 2021, in addition to the fees required to be collected under this section, clerks of the superior courts must collect surcharges as provided in this subsection (5) of which ~~((seventy-five))~~ 75 percent must be remitted to the state treasurer for deposit in the judicial stabilization trust account and ~~((twenty-five))~~ 25 percent must be retained by the county.

2021 REGULAR SESSION

(b) On filing fees required to be collected under subsection (2)(b) of this section, a surcharge of ~~((thirty dollars))~~ \$30 must be collected.

(c) On all filing fees required to be collected under this section, except for fees required under subsection (2)(b), (d), and (h) of this section, a surcharge of ~~((forty dollars))~~ \$40 must be collected."

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

On page 1, line 6 of the title, after "59.18.365," insert "36.18.020,"

On page 1, line 7 of the title, after "43.31.605" insert ", 36.18.012,"

Senator Hunt spoke in favor of adoption of the amendment.

Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 259 by Senator Hunt on page 18, line 18 to Second Substitute Senate Bill No. 5160.

The motion by Senator Hunt did not carry and floor amendment no. 259 was not adopted by voice vote.

MOTION

Senator Kuderer moved that the following floor amendment no. 235 by Senator Kuderer be adopted:

On page 21, after line 12, insert the following:

"**Sec. 15.** RCW 59.18.410 and 2020 c 315 s 5 are each amended to read as follows:

(1) If at trial the verdict of the jury or, if the case is tried without a jury, the finding of the court is in favor of the landlord and against the tenant, judgment shall be entered for the restitution of the premises; and if the proceeding is for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings are tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved at trial, and, if the alleged unlawful detainer is based on default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. The court may award statutory costs. The court may also award reasonable attorneys' fees as provided in RCW 59.18.290.

(2) When the tenant is liable for unlawful detainer after a default in the payment of rent, execution upon the judgment shall not occur until the expiration of five court days after the entry of the judgment. Before entry of a judgment or until five court days have expired after entry of the judgment, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the continuance of the tenancy, may pay into court or to the landlord the amount of the rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded, in which event any judgment entered shall be satisfied and the tenant restored to his or her tenancy. If the tenant seeks to restore his or her tenancy after entry of a judgment, the tenant may tender the amount stated within the judgment as long as that amount does not exceed the amount authorized under subsection

(1) of this section. If a tenant seeks to restore his or her tenancy and pay the amount set forth in this subsection with funds acquired through an emergency rental assistance program provided by a governmental or nonprofit entity, the tenant shall provide a copy of the pledge of emergency rental assistance provided from the appropriate governmental or nonprofit entity and have an opportunity to exercise such rights under this subsection, which may include a stay of judgment and provision by the landlord of documentation necessary for processing the assistance. The landlord shall accept any pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity before the expiration of any pay or vacate notice for nonpayment of rent for the full amount of the rent owing under the rental agreement. The landlord shall accept any written pledge of emergency rental assistance funds provided to the tenant from a governmental or nonprofit entity after the expiration of the pay or vacate notice if the pledge will contribute to the total payment of both the amount of rent due, including any current rent, and other amounts if required under this subsection. The landlord shall suspend any court action for seven court days after providing necessary payment information to the nonprofit or governmental entity to allow for payment of the emergency rental assistance funds. By accepting such pledge of emergency rental assistance, the landlord is not required to enter into any additional conditions not related to the provision of necessary payment information and documentation. If a judgment has been satisfied, the landlord shall file a satisfaction of judgment with the court. A tenant seeking to exercise rights under this subsection shall pay an additional fifty dollars for each time the tenant was reinstated after judgment pursuant to this subsection within the previous twelve months prior to payment. If payment of the amount specified in this subsection is not made within five court days after the entry of the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider evidence of the following factors:

- (i) The tenant's willful or intentional default or intentional failure to pay rent;
- (ii) Whether nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;
- (iii) The tenant's ability to timely pay the judgment;
- (iv) The tenant's payment history;
- (v) Whether the tenant is otherwise in substantial compliance with the rental agreement;
- (vi) Hardship on the tenant if evicted; and
- (vii) Conduct related to other notices served within the last six months.

(b) The burden of proof for such relief under this subsection (3) shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible so as to avoid unnecessary delay or hardship on the parties.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ of restitution more than ninety days from the date of order, but may order repayment of the judgment balance within such time. If the payment plan is to exceed thirty days, the total cumulative payments for each thirty-

day period following the order shall be no less than one month of the tenant's share of the rent, and the total amount of the judgment and all additional rent that is due shall be paid within ninety days.

(ii) Within any payment plan ordered by the court, the court shall require the tenant to pay to the landlord or to the court one month's rent within five court days of issuance of the order. If the date of the order is on or before the fifteenth of the month, the tenant shall remain current with ongoing rental payments as they become due for the duration of the payment plan; if the date of the order is after the fifteenth of the month, the tenant shall have the option to apportion the following month's rental payment within the payment plan, but monthly rental payments thereafter shall be paid according to the rental agreement.

(iii) The sheriff may serve the writ of restitution upon the tenant before the expiration of the five court days of issuance of the order; however, the sheriff shall not execute the writ of restitution until after expiration of the five court days in order for payment to be made of one month's rent as required by (c)(ii) of this subsection. In the event payment is made as provided in (c)(ii) of this subsection for one month's rent, the court shall stay the writ of restitution ex parte without prior notice to the landlord upon the tenant filing and presenting a motion to stay with a declaration of proof of payment demonstrating full compliance with the required payment of one month's rent. Any order staying the writ of restitution under this subsection (3)(c)(iii) shall require the tenant to serve a copy of the order on the landlord by personal delivery, first-class mail, facsimile, or email if agreed to by the parties.

(A) If the tenant has satisfied (c)(ii) of this subsection by paying one month's rent within five court days, but defaults on a subsequent payment required by the court pursuant to this subsection (3)(c), the landlord may enforce the writ of restitution after serving a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on rent due under the lease agreement or payment plan entered by the court. Upon service of the notice of default, the tenant shall have three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution.

(B) If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day is not included in calculating the time before the sheriff may execute the writ of restitution. The notice of default must be in substantially the following form:

NOTICE OF DEFAULT FOR RENT AND/OR PAYMENT PLAN ORDERED BY COURT

NAME(S)
ADDRESS
CITY, STATE, ZIP

THIS IS NOTICE THAT YOU ARE IN DEFAULT OF YOUR RENT AND/OR PAYMENT PLAN ORDERED BY THE COURT. YOUR LANDLORD HAS RECEIVED THE FOLLOWING PAYMENTS:

DATE
AMOUNT
DATE
AMOUNT
DATE
AMOUNT

THE LANDLORD MAY SCHEDULE YOUR PHYSICAL EVICTION WITHIN THREE CALENDAR DAYS OF SERVICE OF THIS NOTICE. TO STOP A PHYSICAL EVICTION, YOU ARE REQUIRED TO PAY THE BALANCE OF YOUR RENT AND/OR PAYMENT PLAN IN THE AMOUNT OF \$

PAYMENT MAY BE MADE TO THE COURT OR TO THE LANDLORD. IF YOU FAIL TO PAY THE

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

BALANCE WITHIN THREE CALENDAR DAYS,
THE LANDLORD MAY PROCEED WITH A
PHYSICAL EVICTION FOR POSSESSION OF THE
UNIT THAT YOU ARE RENTING.

DATE
SIGNATURE
LANDLORD/AGENT
NAME
ADDRESS
PHONE

(iv) If a tenant seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity and provides an offer of proof, the court shall stay the writ of restitution as necessary to afford the tenant an equal opportunity to comply.

(v) The court shall extend the writ of restitution as necessary to enforce the order issued pursuant to this subsection (3)(c) in the event of default.

(d) ((A)) Beginning July 1, 2023, a tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) In any application seeking relief pursuant to this subsection (3) by either the tenant or landlord, the court shall issue a finding as to whether the tenant is low-income, limited resourced, or experiencing hardship to determine if the parties would be eligible for disbursement through the landlord mitigation program account established within RCW 43.31.605(1)(c). In making this finding, the court may include an inquiry regarding the tenant's income relative to area median income, household composition, any extenuating circumstances, or other factors, and may rely on written declarations or oral testimony by the parties at the hearing.

(ii) After a finding that the tenant is low-income, limited resourced, or experiencing hardship, the court may issue an order: (A) Finding that the landlord is eligible to receive on behalf of the tenant and may apply for reimbursement from the landlord mitigation program; and (B) directing the clerk to remit, without further order of the court, any future payments made by the tenant in order to reimburse the department of commerce pursuant to RCW 43.31.605(1)(c)(iii). In accordance with RCW 43.31.605(1)(c), such an order must be accompanied by a copy of the order staying the writ of restitution. Nothing in this subsection (3)(e) shall be deemed to obligate the department of commerce to provide assistance in claim reimbursement through the landlord mitigation program if there are not sufficient funds.

(iii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e) within thirty days from submission of the application, the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iv) Upon payment by the department of commerce to the landlord for the remaining or total amount of the judgment, as applicable, the judgment is satisfied and the landlord shall file a satisfaction of judgment with the court.

(v) Nothing in this subsection (3)(e) prohibits the landlord from otherwise applying for reimbursement for an unpaid judgment pursuant to RCW 43.31.605(1)(c) after the tenant defaults on a payment plan ordered pursuant to (c) of this subsection.

(4) If a tenant seeks to stay a writ of restitution issued pursuant to this chapter, the court may issue an ex parte stay of the writ of restitution provided the tenant or tenant's attorney submits a

declaration indicating good faith efforts were made to notify the other party or, if no efforts were made, why notice could not be provided prior to the application for an ex parte stay, and describing the immediate or irreparable harm that may result if an immediate stay is not granted. The court shall require service of the order and motion to stay the writ of restitution by personal delivery, mail, facsimile, or other means most likely to afford all parties notice of the court date.

(5) In all other cases the judgment may be enforced immediately. If a writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(6) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380."

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

On page 1, line 7 of the title, after "59.12.040," insert "59.18.410,"

Senator Kuderer spoke in favor of adoption of the amendment.

Senator Fortunato spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 235 by Senator Kuderer on page 21, line 12 to Second Substitute Senate Bill No. 5160.

The motion by Senator Kuderer did not carry and floor amendment no. 235 was not adopted by voice vote.

MOTION

Senator Fortunato moved that the following floor amendment no. 306 by Senator Fortunato be adopted:

On page 21, after line 36, insert the following:

"NEW SECTION. Sec. 16. A new section is added to chapter 59.18 RCW to read as follows:

The state is entitled to reimbursement for any rental assistance provided to a tenant through publicly funded rental assistance programs upon a showing that the tenant intentionally failed to pay any outstanding rent debt upon receipt of such rental assistance funds and that the tenant was not suffering any COVID-19 hardship. The state may pursue a civil action to recover such funds and be awarded any court costs and reasonable attorneys' fees. This section does not preclude the landlord from taking any collection action to recoup or claim reimbursement for any unpaid rent."

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

Senators Fortunato and Padden spoke in favor of adoption of the amendment.

Senators Kuderer and Frockt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 306 by Senator Fortunato on page 21, line 36 to Second Substitute Senate Bill No. 5160.

The motion by Senator Fortunato did not carry and floor amendment no. 306 was not adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5160 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kuderer, Mullet and Gildon spoke in favor of passage of the bill.

Senators Fortunato and Rivers 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. 5160.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5160 and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5160, 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. 5321, by Senators Nobles, Das, Dhingra, Frockt, Hasegawa, Lias, Lovelett, Nguyen, Randall, Saldaña, Stanford, and Wilson, C.

Expanding access to the college bound scholarship.

MOTION

On motion of Senator Nobles, Substitute Senate Bill No. 5321 was substituted for Senate Bill No. 5321 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Mullet moved that the following floor amendment no. 260 by Senator Mullet be adopted:

On page 4, line 2, after "assistance." insert "To the maximum extent practicable, an eligible student must acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship."

On page 4, line 9, after "program." insert "The office of student financial assistance must take reasonable steps to ensure that eligible students acknowledge enrollment in the college bound scholarship program and receipt of the requirements for award of the scholarship."

Senators Mullet, Nobles, Holy and Wagoner spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 260 by Senator Mullet on page 4, line 2 to Substitute Senate Bill No. 5321.

The motion by Senator Mullet carried and floor amendment no. 260 was adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 236 by Senator Holy be adopted:

On page 6, line 1, after "(6)" insert "Eligible students must enroll no later than the fall term, as defined by the institution of higher education, one academic year following high school graduation."

On page 6, line 2, after "awards" insert "within a five-year period"

Senators Holy and Randall spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 236 by Senator Holy on page 6, line 1 to Substitute Senate Bill No. 5321.

The motion by Senator Holy carried and floor amendment no. 236 was adopted by voice vote.

MOTION

Senator Wagoner moved that the following floor amendment no. 237 by Senator Wagoner be adopted:

On page 6, beginning on line 11, strike all of subsection (9) and insert the following:

"(9) College bound scholarship award recipients who earn a minimum of a 3.0 cumulative grade point average after completion of 36 quarter credits, or the semester equivalent, are eligible for a \$500 stipend. The stipend is renewable annually for a maximum of three years, for each year the minimum 3.0 cumulative grade point average is maintained."

Senator Wagoner spoke in favor of adoption of the amendment.

WITHDRAWAL OF AMENDMENT

On motion of Senator Wagoner and without objection, floor amendment no. 237 by Senator Wagoner on page 6, line 11 to Substitute Senate Bill No. 5321 was withdrawn.

MOTION

Senator Rolfes moved that the following floor amendment no. 349 by Senator Rolfes be adopted:

On page 6, beginning on line 11, strike all of subsection (9) Renumber the remaining subsections consecutively and correct any internal references accordingly.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 349 by Senator Rolfes on page 6, line 11 to Substitute Senate Bill No. 5321.

The motion by Senator Rolfes carried and floor amendment no. 349 was adopted by voice vote.

MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Substitute Senate Bill No. 5321 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles, Holy and Wellman spoke in favor of passage

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

of the bill.

Senator Wagoner spoke against passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 17; Absent, 1; Excused, 0.

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

Voting nay: Senators Braun, Brown, Dozier, Ericksen, Fortunato, Gildon, Hawkins, Honeyford, McCune, Muzzall, Padden, Rivers, Schoesler, Short, Wagoner, Warnick and Wilson, L.

Absent: Senator King.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:52 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:03 p.m. by President Heck.

MOTION FOR IMMEDIATE RECONSIDERATION

Senator Liias moved to immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 5321 passed the Senate earlier in the day.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5321 on Reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 18; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, on reconsideration, 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. 5122, by Senators Darneille, Das, Hasegawa, Kuderer, Nguyen, Pedersen, Robinson, Saldaña, and Wilson, C.

Concerning the jurisdiction of juvenile court.

MOTIONS

On motion of Senator Darneille, Substitute Senate Bill No. 5122 was substituted for Senate Bill No. 5122 and the substitute bill was placed on the second reading and read the second time.

Senator Darneille moved that the following striking floor amendment no. 245 by Senator Darneille be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec. 1.** The legislature finds that the goal of the juvenile justice system should be to protect public safety, connect youth with age-appropriate services that reduce the risk of recidivism, and provide meaningful rehabilitation so all youth can have the opportunity for success in life. The legislature declares that responses to problematic behaviors of youth should be guided by evidence-based practices and that policy changes to the system should be strongly rooted in eliminating racial inequities.

The legislature recognizes that a scientific consensus has developed that demonstrates that youth continue to develop neurologically until age 26. The legislature finds that youth ages eight through 12 are less capable of making fully informed decisions and youth ages 18 and 19 are particularly susceptible to outside factors influencing their decision making.

The legislature recognizes that on January 18, 2021, the Washington state board of health released a review regarding the health impacts of raising the age of the juvenile court's jurisdiction to likely decrease the juvenile criminal legal system's involvement for some youth ages eight through 12 and to likely decrease the adult criminal legal system's involvement for some emerging adults ages 18 and 19. The board further found very strong evidence that this would decrease juvenile recidivism and improve health outcomes, access to employment opportunities, housing access, and economic stability.

The legislature intends to amend jurisdiction of juvenile court to include youth ages 13 through 19, with certain exceptions. The legislature recognizes the important role that local governments play in ensuring access to justice in the juvenile court system. The legislature recognizes that amended jurisdiction in juvenile court may increase expenses for juvenile court systems despite significant offset savings in the adult system through reduced adult caseloads. The legislature intends to partner with local governments, courts, and other stakeholders to ensure successful expansion of juvenile court jurisdiction. The legislature therefore resolves to convene the raise the age juvenile justice task force to examine and plan for implementation of expanded juvenile court jurisdiction.

"NEW SECTION. **Sec. 2.** A new section is added to chapter 43.216 RCW to read as follows:

(1) The raise the age juvenile justice task force is established, with members as provided in this subsection.

(a) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(b) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(c) The president of the senate and the speaker of the house of representatives jointly shall appoint one member as follows unless specified representing the:

- (i) Juvenile rehabilitation administration;
- (ii) Department of corrections;
- (iii) Washington association of sheriffs and police chiefs;
- (iv) Office of public defense;
- (v) Washington association of prosecuting attorneys;
- (vi) District and municipal court judges' association;
- (vii) Administrative office of the courts;
- (viii) Washington state association of counties;
- (ix) Association of Washington cities;
- (x) Washington state council of county and city employees;
- (xi) Office of the superintendent of public instruction;
- (xii) Minority and justice commission;
- (xiii) Superior court judges' association, one member representing western Washington and one representing eastern Washington;

(xiv) Washington association of juvenile court administrators, one member representing western Washington and one representing eastern Washington;

(xv) Washington state school directors' association, a member representing a school district that provides education services to a juvenile rehabilitation residential facility;

(xvi) Organizations with interests in incarcerated persons, with two representatives each representing different programs and serving different constituencies; and

(xvii) Organizations with interests of youth involved in the juvenile justice system, with three representatives from different regions of the state or representing different programs.

(2) The legislative membership shall convene the initial meeting of the task force no later than September 1, 2021. The task force shall choose its chair from among its legislative membership.

(3) Staff support for the task force must be provided by the office of juvenile justice.

(4) The task force shall consider and provide recommendations regarding implementation of juvenile jurisdiction expansion to encompass persons 18 years old and 19 years old.

(5) On or before December 1, 2022, the task force shall report to the governor and appropriate committees of the legislature on the status and plan for the expansion, including necessary funding, essential personnel and programmatic resources, measures necessary to avoid a negative impact on the state's child protection response, and specific milestones related to operations and policy, including:

(a) A timeline for structural and systemic changes within the juvenile justice system for the juvenile rehabilitation division, the department of children, youth, and families, the department of corrections, and the juvenile court pursuant to chapter 13.04 RCW;

(b) An operations and business plan that defines benchmarks, including possible changes to resource allocations;

(c) Review of the estimated costs avoided by local and state governments with the reduction of recidivism and an analysis of cost savings reinvestment options;

(d) Estimated new costs incurred to provide juvenile justice services to persons 18 years old and 19 years old; and

(e) A clearly defined path for geographic consistency given varying local resources, staff, physical plant limitations, training, services, and partnering needs.

(6)(a) Legislative members of the task force may be reimbursed for travel expenses in accordance with RCW 44.04.120. Except

as provided in (b) of this subsection, nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(b) Nonlegislative members of the task force who demonstrate financial hardship must be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, as well as other expenses as needed for each day a nonlegislative task force member attends a task force meeting to provide consultative assistance.

(7) The expenses of the task force must be paid jointly by the senate and the house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(8) The task force must hold at least one meeting a month. The task force may form work groups and may consult experts in fields that will inform and assist the work of the task force.

(9) This section expires January 1, 2023.

Sec. 3. RCW 9A.04.050 and 2011 c 336 s 347 are each amended to read as follows:

Children under the age of (~~eight~~) 13 years are incapable of committing crime. Children of eight (~~and under~~) through twelve years of age who are charged with murder in the first or second degree are presumed to be incapable of committing crime, but this presumption may be (~~removed by proof~~) rebutted by clear and convincing evidence that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he or she may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his or her examination by one or more physicians, whose opinion shall be competent evidence upon the question of his or her age.

Sec. 4. RCW 13.40.590 and 2002 c 237 s 10 are each amended to read as follows:

(1) The administrative office of the courts shall encourage the juvenile courts to work with cities and counties to implement, expand, or use youth court programs for juveniles who commit diversion-eligible offenses, civil, or traffic infractions. Program operations of youth court programs may be funded by government and private grants. Youth court programs are limited to those that:

(a) Are developed using the guidelines for creating and operating youth court programs developed by nationally recognized experts in youth court projects;

(b) Target offenders age (~~eight~~) 13 through (~~seventeen~~) 17; and

(c) Emphasize the following principles:

(i) Youth must be held accountable for their problem behavior;

(ii) Youth must be educated about the impact their actions have on themselves and others including their victims, their families, and their community;

(iii) Youth must develop skills to resolve problems with their peers more effectively; and

(iv) Youth should be provided a meaningful forum to practice and enhance newly developed skills.

(2) Youth court programs under this section may be established by private nonprofit organizations and schools, upon prior approval and under the supervision of juvenile court.

Sec. 5. RCW 13.40.600 and 2002 c 237 s 11 are each amended to read as follows:

(1) Youth courts have authority over juveniles ages (~~eight~~) 13 through (~~seventeen~~) 17 who:

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

(a) Along with their parent, guardian, or legal custodian, voluntarily and in writing request youth court involvement;

(b) Admit they have committed the offense they are referred for;

(c) Along with their parent, guardian, or legal custodian, waive any privilege against self-incrimination concerning the offense; and

(d) Along with their parent, guardian, or legal custodian, agree to comply with the youth court disposition of the case.

(2) Youth courts shall not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including a youth with a matter pending before the juvenile court but which has not yet been adjudicated.

(3) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.

(4) A youth or his or her parent, guardian, or legal custodian may withdraw from the youth court process at any time.

(5) Youth courts shall give any victims of a juvenile the opportunity to be notified, present, and heard in any youth court proceeding.

NEW SECTION. Sec. 6. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2021, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "court;" strike the remainder of the title and insert "amending RCW 9A.04.050, 13.40.590, and 13.40.600; adding a new section to chapter 43.216 RCW; creating new sections; and providing an expiration date."

MOTION

Senator Warnick moved that the following floor amendment no. 362 by Senator Warnick be adopted:

On page 3, line 13, after "expansion" insert "to raise the minimum age from 8 years old to 13 years old and"

On page 3, line 31, after "19 years old" insert "as well as the costs to raise the minimum age for the juvenile court jurisdiction to 13 years old"

Beginning on page 4, line 17, strike all of sections 3 through 5 Renumber the remaining section consecutively and correct any internal references accordingly.

On page 6, beginning on line 9, after "insert" strike all material through "13.40.600;" on line 10

Senators Warnick and Gildon spoke in favor of adoption of the amendment to the striking amendment.

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

The President declared the question before the Senate to be the adoption of floor amendment no. 362 by Senator Warnick on page 3, line 13 to striking floor amendment no. 245.

The motion by Senator Warnick did not carry and floor amendment no. 362 was not adopted by voice vote.

MOTION

Senator Holy moved that the following floor amendment no. 370 by Senator Holy be adopted:

On page 4, line 19, after "age of" strike "~~(eight)~~ 13" and insert "eight"

On page 4, line 20, after "crime." insert "Children age eight through 12 who are charged with any class C felony, any gross

misdemeanors, or any misdemeanors are considered incapable of committing a crime."

On page 4, beginning on line 21, after "with" strike "murder in the first or second degree" and insert "any class A felony or any class B felony"

On page 4, beginning on line 23, after "be" strike "~~(removed by proof)~~ rebutted by clear and convincing evidence" and insert "removed by proof"

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 370 by Senator Holy on page 4, line 19 to striking floor amendment no. 245.

The motion by Senator Holy failed and floor amendment no. 370 was not adopted by voice vote.

Senator Darneille 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. 245 by Senator Darneille to Substitute Senate Bill No. 5122.

The motion by Senator Darneille carried and striking floor amendment no. 245 was adopted by voice vote.

MOTION

On motion of Senator Darneille, the rules were suspended, Engrossed Substitute Senate Bill No. 5122 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Darneille spoke in favor of passage of the bill.

Senators Gildon and Warnick spoke against passage of the bill.

MOTION

On motion of Senator Randall, Senator Carlyle was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5122.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5122 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 21; Absent, 0; Excused, 1.

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

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

Excused: Senator Carlyle

ENGROSSED SUBSTITUTE SENATE BILL NO. 5122, 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. 5016, by Senators Warnick, Brown and Van De Wege

Concerning tracked and wheeled all-terrain vehicles.

The measure was read the second time.

MOTION

On motion of Senator Warnick, the rules were suspended, Senate Bill No. 5016 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Warnick 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. 5016.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5016 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Carlyle

SENATE BILL NO. 5016, 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 and Randall

Concerning the report deadline for the defense community compatibility account.

The measure was read the second time.

MOTION

On motion of Senator Conway, the rules were suspended, 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 and Wilson, J. spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5291.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5291 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Dozier, Ericksen, Fortunato,

Frockt, Gildon, Hasegawa, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCune, Mullet, Muzzall, Nguyen, Nobles, Padden, Pedersen, Randall, Rivers, Robinson, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Stanford, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Excused: Senator Carlyle

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.

SECOND READING

SENATE BILL NO. 5395, by Senators Hunt, Dhingra, Hasegawa, Kuderer, Nguyen, Nobles, Randall, Saldaña, Wellman, and Wilson, C.

Concerning use of state resources during periods where state employees are required to work from home.

MOTION

On motion of Senator Hunt, Second Substitute Senate Bill No. 5395 was substituted for Senate Bill No. 5395 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following floor amendment no. 358 by Senator Padden be adopted:

On page 1, line 10, after "home." insert "The legislature further finds that legislators should remain available to the public and conduct their business at the seat of government, located in the city of Olympia at the Washington state capitol, as required under the Article XIV, section 1 of the Washington state Constitution."

On page 2, line 30, after "commissions." insert "Legislators are specifically and entirely excluded from all provisions of this section."

Senator Padden spoke in favor of adoption of the amendment.

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 358 by Senator Padden on page 1, line 10 to Second Substitute Senate Bill No. 5395.

The motion by Senator Padden did not carry and floor amendment no. 358 was not adopted by voice vote.

MOTION

Senator Hunt moved that the following floor amendment no. 247 by Senator Hunt be adopted:

On page 1, beginning on line 17, after "(a)" strike all material through "purpose" on line 18 and insert "Within available resources"

Senator Hunt spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 247 by Senator Hunt on page 1, line 17 to Second Substitute Senate Bill No. 5395.

The motion by Senator Hunt carried and floor amendment no. 247 was adopted by voice vote.

MOTION

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

Senator Wilson, J. moved that the following floor amendment no. 254 by Senator Wilson, J. be adopted:

On page 2, after line 40, insert the following:

"(7) This section expires upon the termination of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 in accordance with RCW 43.06.210. The governor shall provide written notice of the termination date of the state of emergency under proclamation 20-05 and any subsequent state of emergency issued pertaining to COVID-19 to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the governor."

On page 1, line 4 of the title, after "providing" strike "a contingent expiration date" and insert "contingent expiration dates"

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

Senator Hunt spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 254 by Senator Wilson, J. on page 2, line 40 to Second Substitute Senate Bill No. 5395.

The motion by Senator Wilson, J. did not carry and floor amendment no. 254 was not adopted by voice vote.

MOTION

On motion of Senator Hunt, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5395 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hunt, Randall and Rolfes spoke in favor of passage of the bill.

Senators Schoesler, Wilson, J. and Wagoner 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. 5395.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5395 and the bill passed the Senate by the following vote: Yeas, 32; Nays, 17; Absent, 0; Excused, 0.

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

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5395, 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. 5145, by Senators Van De Wege and Rolfes

Concerning the prevention of seabed mining of hard minerals.

The measure was read the second time.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Senate Bill No. 5145 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Warnick, Wilson, J. and Wagoner 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. 5145.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5145 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5145, 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. 5220, by Senators Van De Wege and Rolfes

Concerning the taxation of salmon recovery grants by updating the state business and occupation tax deduction for these grants, creating a sales and use tax exemption for grant proceeds received by recipients of these grants, and clarifying the sales and use tax obligations for goods and services purchased by recipients of these grants.

The measure was read the second time.

MOTION

Senator Van De Wege moved that the following floor amendment no. 342 by Senator Van De Wege be adopted:

Beginning on page 2, line 9, strike all of section 2 and insert the following:

"Sec. 2. RCW 82.04.050 and 2021 c 4 s 3 are each amended to read as follows:

(1)(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for

consumers other than a sale to a person who:

(i) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(ii) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(iii) Purchases for the purpose of consuming the property purchased in producing for sale as a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(iv) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(v) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065; or

(vi) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) The term includes every sale of tangible personal property that is used or consumed or to be used or consumed in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property is resold or used as provided in (a)(i) through (vi) of this subsection following such use.

(c) The term also means every sale of tangible personal property to persons engaged in any business that is taxable under RCW 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

(2) The term "sale at retail" or "retail sale" includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and also includes the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing

buildings or structures, but does not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" means those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) 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, as distinguished from the renting or leasing of real property, and it is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it is presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection may be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Abstract, title insurance, and escrow services;

(b) Credit bureau services;

(c) Automobile parking and storage garage services;

(d) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(e) Service charges associated with tickets to professional sporting events;

(f) The following personal services: Tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services; and

(g)(i) Operating an athletic or fitness facility, including all charges for the use of such a facility or for any associated services and amenities, except as provided in (g)(ii) of this subsection.

(ii) Notwithstanding anything to the contrary in (g)(i) of this subsection (3), the term "sale at retail" and "retail sale" under this subsection does not include:

(A) Separately stated charges for the use of an athletic or fitness facility where such use is primarily for a purpose other than engaging in or receiving instruction in a physical fitness activity;

(B) Separately stated charges for the use of a discrete portion of an athletic or fitness facility, other than a pool, where such discrete portion of the facility does not by itself meet the definition of "athletic or fitness facility" in this subsection;

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

(C) Separately stated charges for services, such as advertising, massage, nutritional consulting, and body composition testing, that do not require the customer to engage in physical fitness activities to receive the service. The exclusion in this subsection (3)(g)(ii)(C) does not apply to personal training services and instruction in a physical fitness activity;

(D) Separately stated charges for physical therapy provided by a physical therapist, as those terms are defined in RCW 18.74.010, or occupational therapy provided by an occupational therapy practitioner, as those terms are defined in RCW 18.59.020, when performed pursuant to a referral from an authorized health care practitioner or in consultation with an authorized health care practitioner. For the purposes of this subsection (3)(g)(ii)(D), an authorized health care practitioner means a health care practitioner licensed under chapter 18.83, 18.25, 18.36A, 18.57, 18.71, or 18.71A RCW, or, until July 1, 2022, chapter 18.57A RCW;

(E) Rent or association fees charged by a landlord or residential association to a tenant or residential owner with access to an athletic or fitness facility maintained by the landlord or residential association, unless the rent or fee varies depending on whether the tenant or owner has access to the facility;

(F) Services provided in the regular course of employment by an employee with access to an athletic or fitness facility maintained by the employer for use without charge by its employees or their family members;

(G) The provision of access to an athletic or fitness facility by an educational institution to its students and staff. However, charges made by an educational institution to its alumni or other members of the public for the use of any of the educational institution's athletic or fitness facilities are a retail sale under this subsection (3)(g). For purposes of this subsection (3)(g)(ii)(G), "educational institution" has the same meaning as in RCW 82.04.170;

(H) Yoga, chi gong, or martial arts classes, training, or events held at a community center, park, school gymnasium, college or university, hospital or other medical facility, private residence, or any other facility that is not operated within and as part of an athletic or fitness facility.

(iii) Nothing in (g)(ii) of this subsection (3) may be construed to affect the taxation of sales made by the operator of an athletic or fitness facility, where such sales are defined as a retail sale under any provision of this section other than this subsection (3).

(iv) For the purposes of this subsection (3)(g), the following definitions apply:

(A) "Athletic or fitness facility" means an indoor or outdoor facility or portion of a facility that is primarily used for: Exercise classes; strength and conditioning programs; personal training services; tennis, racquetball, handball, squash, or pickleball; or other activities requiring the use of exercise or strength training equipment, such as treadmills, elliptical machines, stair climbers, stationary cycles, rowing machines, pilates equipment, balls, climbing ropes, jump ropes, and weightlifting equipment.

(B) "Martial arts" means any of the various systems of training for physical combat or self-defense. "Martial arts" includes, but is not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing, kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido, Kendo, tai chi, and mixed martial arts.

(C) "Physical fitness activities" means activities that involve physical exertion for the purpose of improving or maintaining the general fitness, strength, flexibility, conditioning, or health of the participant. "Physical fitness activities" includes participating in yoga, chi gong, or martial arts.

(4)(a) The term also includes the renting or leasing of tangible personal property to consumers.

(b) The term does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term also includes the sale of prewritten computer software to a consumer, regardless of the method of delivery to the end user. For purposes of (a) and (b) of this subsection, the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

(b) The term "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten computer software.

(c)(i) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(ii)(A) The service described in (c)(i) of this subsection (6) includes the right to access and use prewritten computer software to perform data processing.

(B) For purposes of this subsection (6)(c)(ii), "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(7) The term also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection (8) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(9) The term also includes the charge made for providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (9), an operator must do more than maintain, inspect, or set up the tangible personal property.

(10) The term does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(11) The term also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; (c) farmers for the purpose of providing bee pollination services; and (d) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(12) The term does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development.

(13) The term does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

(14) The term does not include the sale for resale of any service described in this section if the sale would otherwise constitute a

"sale at retail" and "retail sale" under this section.

(15)(a) The term "sale at retail" or "retail sale" includes amounts charged, however labeled, to consumers to engage in any of the activities listed in this subsection (15)(a), including the furnishing of any associated equipment or, except as otherwise provided in this subsection, providing instruction in such activities, where such charges are not otherwise defined as a "sale at retail" or "retail sale" in this section:

(i)(A) Golf, including any variant in which either golf balls or golf clubs are used, such as miniature golf, hitting golf balls at a driving range, and golf simulators, and including fees charged by a golf course to a player for using his or her own cart. However, charges for golf instruction are not a retail sale, provided that if the instruction involves the use of a golfing facility that would otherwise require the payment of a fee, such as green fees or driving range fees, such fees, including the applicable retail sales tax, must be separately identified and charged by the golfing facility operator to the instructor or the person receiving the instruction.

(B) Notwithstanding (a)(i)(A) of this subsection (15) and except as otherwise provided in this subsection (15)(a)(i)(B), the term "sale at retail" or "retail sale" does not include amounts charged to participate in, or conduct, a golf tournament or other competitive event. However, amounts paid by event participants to the golf facility operator are retail sales under this subsection (15)(a)(i). Likewise, amounts paid by the event organizer to the golf facility are retail sales under this subsection (15)(a)(i), if such amounts vary based on the number of event participants;

(ii) Ballooning, hang gliding, indoor or outdoor sky diving, paragliding, parasailing, and similar activities;

(iii) Air hockey, billiards, pool, foosball, darts, shuffleboard, ping pong, and similar games;

(iv) Access to amusement park, theme park, and water park facilities, including but not limited to charges for admission and locker or cabana rentals. Discrete charges for rides or other attractions or entertainment that are in addition to the charge for admission are not a retail sale under this subsection (15)(a)(iv). For the purposes of this subsection, an amusement park or theme park is a location that provides permanently affixed amusement rides, games, and other entertainment, but does not include parks or zoos for which the primary purpose is the exhibition of wildlife, or fairs, carnivals, and festivals as defined in (b)(i) of this subsection;

(v) Batting cage activities;

(vi) Bowling, but not including competitive events, except that amounts paid by the event participants to the bowling alley operator are retail sales under this subsection (15)(a)(vi). Likewise, amounts paid by the event organizer to the operator of the bowling alley are retail sales under this subsection (15)(a)(vi), if such amounts vary based on the number of event participants;

(vii) Climbing on artificial climbing structures, whether indoors or outdoors;

(viii) Day trips for sightseeing purposes;

(ix) Bungee jumping, zip lining, and riding inside a ball, whether inflatable or otherwise;

(x) Horseback riding offered to the public, where the seller furnishes the horse to the buyer and providing instruction is not the primary focus of the activity, including guided rides, but not including therapeutic horseback riding provided by an instructor certified by a nonprofit organization that offers national or international certification for therapeutic riding instructors;

(xi) Fishing, including providing access to private fishing areas and charter or guided fishing, except that fishing contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xii) Guided hunting and hunting at game farms and shooting

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

preserves, except that hunting contests and license fees imposed by a government entity are not a retail sale under this subsection;

(xiii) Swimming, but only in respect to (A) recreational or fitness swimming that is open to the public, such as open swim, lap swimming, and special events like kids night out and pool parties during open swim time, and (B) pool parties for private events, such as birthdays, family gatherings, and employee outings. Fees for swimming lessons, to participate in swim meets and other competitions, or to join a swim team, club, or aquatic facility are not retail sales under this subsection (15)(a)(xiii);

(xiv) Go-karting, bumper cars, and other motorized activities where the seller provides the vehicle and the premises where the buyer will operate the vehicle;

(xv) Indoor or outdoor playground activities, such as inflatable bounce structures and other inflatables; mazes; trampolines; slides; ball pits; games of tag, including laser tag and soft-dart tag; and human gyroscope rides, regardless of whether such activities occur at the seller's place of business, but not including playground activities provided for children by a licensed child day care center or licensed family day care provider as those terms are defined in RCW 43.216.010;

(xvi) Shooting sports and activities, such as target shooting, skeet, trap, sporting clays, "5" stand, and archery, but only in respect to discrete charges to members of the public to engage in these activities, but not including fees to enter a competitive event, instruction that is entirely or predominately classroom based, or to join or renew a membership at a club, range, or other facility;

(xvii) Paintball and airsoft activities;

(xviii) Skating, including ice skating, roller skating, and inline skating, but only in respect to discrete charges to members of the public to engage in skating activities, but not including skating lessons, competitive events, team activities, or fees to join or renew a membership at a skating facility, club, or other organization;

(xix) Nonmotorized snow sports and activities, such as downhill and cross-country skiing, snowboarding, ski jumping, sledding, snow tubing, snowshoeing, and similar snow sports and activities, whether engaged in outdoors or in an indoor facility with or without snow, but only in respect to discrete charges to the public for the use of land or facilities to engage in nonmotorized snow sports and activities, such as fees, however labeled, for the use of ski lifts and tows and daily or season passes for access to trails or other areas where nonmotorized snow sports and activities are conducted. However, fees for the following are not retail sales under this subsection (15)(a)(xix): (A) Instructional lessons; (B) permits issued by a governmental entity to park a vehicle on or access public lands; and (C) permits or leases granted by an owner of private timberland for recreational access to areas used primarily for growing and harvesting timber; and

(xx) Scuba diving; snorkeling; river rafting; surfing; kiteboarding; flyboarding; water slides; inflatables, such as water pillows, water trampolines, and water rollers; and similar water sports and activities.

(b) Notwithstanding anything to the contrary in this subsection (15), the term "sale at retail" or "retail sale" does not include charges:

(i) Made for admission to, and rides or attractions at, fairs, carnivals, and festivals. For the purposes of this subsection, fairs, carnivals, and festivals are events that do not exceed twenty-one days and a majority of the amusement rides, if any, are not affixed to real property;

(ii) Made by an educational institution to its students and staff for activities defined as retail sales by (a)(i) through (xx) of this

subsection. However, charges made by an educational institution to its alumni or other members of the general public for these activities are a retail sale under this subsection (15). For purposes of this subsection (15)(b)(ii), "educational institution" has the same meaning as in RCW 82.04.170;

(iii) Made by a vocational school for commercial diver training that is licensed by the workforce training and education coordinating board under chapter 28C.10 RCW; or

(iv) Made for day camps offered by a nonprofit organization or state or local governmental entity that provide youth not older than age eighteen, or that are focused on providing individuals with disabilities or mental illness, the opportunity to participate in a variety of supervised activities.

(16)(a) The term "sale at retail" or "retail sale" includes the purchase or acquisition of tangible personal property and specified services by a person who receives either a qualifying grant exempt from tax under RCW 82.04.--- (section 1, chapter 4, Laws of 2021) or 82.16.--- (section 2, chapter 4, Laws of 2021) or a grant deductible under RCW 82.04.4339, except for transactions excluded from the definition of "sale at retail" or "retail sale" by any other provision of this section. Nothing in this subsection (16) may be construed to limit the application of any other provision of this section to purchases by a recipient of either a qualifying grant exempt from tax under RCW 82.04.--- (section 1, chapter 4, Laws of 2021) or a grant deductible under RCW 82.04.4339, or by any other person.

(b) For purposes of this subsection (16), "specified services" means:

(i) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation;

(ii) The clearing of land or the moving of earth, whether or not associated with activities described in (b)(i) of this subsection (16);

(iii) The razing or moving of existing buildings or structures; and

(iv) Landscape maintenance and horticultural services."

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

The President declared the question before the Senate to be the adoption of floor amendment no. 342 by Senator Van De Wege on page 2, line 9 to Senate Bill No. 5220.

The motion by Senator Van De Wege carried and floor amendment no. 342 was adopted by voice vote.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Senate Bill No. 5220 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege and Warnick 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. 5220.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5220 and the bill passed the Senate by the

following vote: Yeas, 48; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Senator Hasegawa

ENGROSSED SENATE BILL NO. 5220, 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. 5031, by Senators Honeyford, Brown, Cleveland, Frockt, Holy, Mullet and Warnick

Concerning a community aviation revitalization loan program.

The measure was read the second time.

MOTION

On motion of Senator Honeyford, the rules were suspended, Senate Bill No. 5031 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Honeyford, Frockt, Padden, Wilson, J. and Dozier 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. 5031.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5031 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SENATE BILL NO. 5031, 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. 5203, by Senators Van De Wege, Carlyle, Frockt, Hasegawa, Keiser, Lias, Nguyen, Randall, Robinson, Salomon, Stanford, and Wilson, C.

Producing, distributing, and purchasing generic prescription drugs.

MOTION

On motion of Senator Van De Wege, Substitute Senate Bill No. 5203 was substituted for Senate Bill No. 5203 and the substitute bill was placed on the second reading and read the second time.

Revised for 1st Substitute: Producing, distributing, and purchasing generic prescription drugs.

MOTION

Senator Muzzall moved that the following floor amendment no. 369 by Senator Muzzall be adopted:

On page 1, line 9, after "entity to" strike "produce,"
 On page 1, line 9, after "distribute" strike ","
 On page 1, line 16, after "necessary, to" strike "produce,"
 On page 1, line 17, after "distribute" strike ","
 On page 1, line 1 of the title, after "to the" strike "production,"
 On page 1, line 1 of the title, after "distribution" strike ","

Senator Muzzall spoke in favor of adoption of the amendment.

REMARKS BY THE PRESIDENT

President Heck: "The President would like to note for the members that today is Senator Muzzall's birthday. Happy Birthday Sir."

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 369 by Senator Muzzall on page 1, line 9 to Substitute Senate Bill No. 5203.

The motion by Senator Muzzall did not carry and floor amendment no. 369 was not adopted by voice vote.

MOTION

Senator Van De Wege moved that the following floor amendment no. 345 by Senator Van De Wege be adopted:

On page 1, line 10, after "prescription drugs" insert "and distribute and purchase insulin"
 On page 1, line 12, after "drugs" insert "and insulin"
 On page 1, line 17, after "drug" insert "or insulin"
 On page 1, line 19, after "drugs" insert "and insulin"
 On page 2, line 2, after "drugs" insert "and insulin"
 On page 2, line 4, after "drug" insert "or insulin"
 On page 2, line 7, after "drugs" insert "and insulin"
 On page 1, line 2 of the title, after "prescription drugs" insert "and distribution or purchase of insulin"

Senator Van De Wege spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 345 by Senator Van De Wege on page 1, line 10 to Substitute Senate Bill No. 5203.

The motion by Senator Van De Wege carried and floor amendment no. 345 was adopted by voice vote.

MOTION

Senator Short moved that the following floor amendment no. 371 by Senator Short be adopted:

On page 1, beginning on line 10, after "drugs." strike all material through "process." on line 11

Senator Short spoke in favor of adoption of the amendment.

Senator Van De Wege spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 371 by Senator Short on page 1, line 10 to Substitute Senate Bill No. 5203.

The motion by Senator Short did not carry and floor amendment no. 371 was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Rivers and without objection, floor amendment no. 368 by Senator Rivers on page 1, line 20 to Substitute Senate Bill No. 5203 was withdrawn.

MOTION

On motion of Senator Van De Wege, the rules were suspended, Engrossed Substitute Senate Bill No. 5203 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Van De Wege, Cleveland and Keiser spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Mullet: "Thank you Mr. President, I was just wondering if our Senate Rules have a limit on how many bills senators from Sequim can have on one run list?"

REPLY BY THE PRESIDENT

President Heck: "The same number as members from Issaquah."

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

Senator Rivers 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. 5203.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5203 and the bill passed the Senate by the following vote: Yeas, 28; Nays, 21; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5203, 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.

PERSONAL PRIVILEGE

Senator Billig: "Thank you Mr. President. I am rising on behalf

of the Senate, if my colleagues will allow me, to express a big thank you to our colleagues at LEG-TECH. And, you know, they've worked for months and months to create a system so that we can do the work that we do on behalf of the people of Washington state and you know we often think about the troubleshooting that they do for us when we have a problem but and that's significant but even more so is the work that they did to prepare this system for us on the floor and in committee and for all of the other meetings that we have and there's so much ingenuity and what they did you know I just know from the part that I was involved in we would practice and somebody say oh we need a button so we can sustain a roll call oh nobody thought of that Ok boom they did it oh we need a point of inquiry button boom it's done over and over and over and then after they got it done they had to help us all learn it and their patience is incredible and I have no doubt Mr. President that we are a terrific group of people but we're probably are not our best selves when we call LEG-TECH because typically we're frustrated confused panicked as maybe we are about to miss a vote and yet they just solve the problems. So, I am so grateful I know my colleagues join me in being grateful and it's Ok with you Mr. President could I read their names?

President Heck: "Absolutely."

Senator Billig: "Ok So Rick; Jeff; Dan; Matty; DeLynne; Rhys; Cameron; Bob; Sean; Alan; Zach; Stephanie; Taylor; Hilary; and Tom. Our heartfelt thank you for all of your good work."

President Heck: "And what would also be okay, even though that we are few and hearty, is an audible demonstration of our appreciation."

EDITOR'S NOTE: The Senate gave LEG-TECH a standing ovation.

PERSONAL PRIVILEGE

Senator Cleveland: "Thank you Mr. President. Well, I think that one thing we can all agree on is that this has been a very challenging past year and the past through this pandemic has been arduous. But today, our state has achieved a milestone. And I think it's a milestone worth noting. Today, Washington is the sixth U.S. state, and the most populous state yet, to have more people vaccinated against Covid-19 than infected with Covid-19. So, we are vaccinating far more people on a daily basis than are being infected on a daily basis and I think that this is a bright spot that should give us great hope for the future and it's a testament to the hard work of so many in our state over this past year. Thank you."

PERSONAL PRIVILEGE

Senator Rivers: "Thank you Mr. President. It is indeed very exciting how many vaccinations this state has been able to disseminate. And while we still have some work to do here in southwest, we know that our state's getting better. And that is so exciting. And that is why, Mr. President, it's time for us to reopen this state. And it's time for people to get back together. And it's time for us to be able to do the work of the people unfettered. Thank you, Mr. President."

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Mr. President. I wanted to add my

happy birthday congratulations to Senator Muzzall. I didn't get a chance to do that earlier and also note that our session aide's birthday is today. Based on their photos, I think there's a couple of decades of difference but wishing happy birthday to Senator Muzzall and to Jeremy from our office."

MOTION

At 3:41 p.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus.

Senator Rivers announced a meeting of the Republican Caucus.

The Senate was called to order at 4:31 p.m. by President Heck.

SECOND READING

SENATE BILL NO. 5128, by Senators Wellman, Wilson, C., Conway, Dhingra, Hunt, Keiser, Lovelett, Nguyen and Saldaña

Concerning student transportation funding during a local, state, or national emergency.

MOTIONS

On motion of Senator Wellman, Second Substitute Senate Bill No. 5128 was substituted for Senate Bill No. 5128 and the substitute bill was placed on the second reading and read the second time.

Senator Wellman moved that the following striking floor amendment no. 344 by Senator Wellman be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the COVID-19 pandemic has significantly changed the delivery of education across the state, as school districts transition to remote learning environments to protect the health of students and staff. The legislature also recognizes that the role of transportation services has evolved alongside remote learning programs to help students equitably access the instructional program of basic education. As permitted by emergency proclamation, many school districts have adapted to remote learning by transporting meals, learning materials, and technology supports directly to students' homes or neighborhoods. Other school districts have used transportation resources to bring students to learning centers or other agencies where support services are provided.

This flexibility has allowed school districts to creatively use the resources at their disposal to equitably address the needs of students during an ongoing emergency.

With this act, the legislature intends to temporarily suspend rider eligibility criteria for an expanded list of qualifying transportation services, so that all students can access necessary supports during the COVID-19 emergency. The legislature also intends to provide a mechanism for calculating student transportation funding immediately following the COVID-19 emergency, so that the temporary drop in student ridership does not impact future transportation allocations. Finally, the legislature intends to appropriate additional relief funds to backfill reductions in state funding allocations resulting from transportation declines caused by the COVID-19 emergency.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.160 RCW to read as follows:

(1) If a school or school district is providing full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that causes a substantial disruption to full in-person instruction then, in addition to the transportation services allowed under this chapter, the district may use student transportation allocations to provide the following expanded services to students, regardless of whether those students would qualify as eligible students under RCW 28A.160.160:

(a) Delivery of educational services necessary to provide students with the opportunity to equitably access educational services during the period of remote instruction. Delivery of educational services include the transportation of materials, hardware, and other supports that assist students in accessing remote instruction, internet connectivity, or the curriculum;

(b) Delivery of meals to students; and

(c) Providing for the transportation of students to and from learning centers or other public or private agencies where educational and support services are being provided to students during the period of remote instruction. "Providing for" includes the provision of payments to allow students to use public transit to access the educational and support services.

(2) Nothing in this section is intended to limit a district's ability to use transportation allocations to pay for fixed transportation costs, such as school bus maintenance and basic administrative, regulatory, safety, or operational expenses.

(3) If a district provides expanded services under subsection (1) of this section, the district must track by a separate accounting code the expenditures incurred by the district in providing such services. This data must be included in the report required under RCW 28A.160.170(2).

Sec. 3. RCW 28A.160.170 and 2009 c 548 s 306 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150, along with identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) ~~((from))~~, non-to-and-from-school pupil transportation costs, and costs to provide expanded services under section 2(1) of this act in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 4. RCW 28A.160.192 and 2011 1st sp.s. c 27 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall begin no later than the 2011-2013 biennium and be fully implemented by the 2013-2015 biennium.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land

FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis. Only factors that are statistically significant shall be used in the regression analysis. Employee compensation costs included in the allowable transportation expenditures used for the purpose of establishing each school district's independent variable in the regression analysis shall be limited to the base salary or hourly wage rates, fringe benefit rates, and applicable health care rates provided in the omnibus appropriations act.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the federal restricted indirect rate as calculated in the district annual financial report;

(b) Annually, the amount identified in (a) of this subsection shall be adjusted for any budgeted increases provided in the omnibus appropriations act for salaries or fringe benefits;

(c) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) adjusted by (b) of this subsection and the amount determined under the formula in RCW 28A.160.180; and

(d) Allocations provided to recognize the cost of depreciation to districts contracting with private carriers for student transportation shall be deducted from the allowable transportation expenditures in (a) of this subsection.

(3) If a school or school district provided full remote or partial remote instruction under the authority of RCW 28A.150.290 due to a local, state, or national emergency that caused a substantial disruption to full in-person instruction, the superintendent of public instruction may use the student transportation data from the last reporting period in which the school district provided full in-person instruction to calculate transportation allocations. Such data may only be used until the subsequent reporting period when updated ridership data is available.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.710 RCW to read as follows:

Sections 2 and 4(3) of this act govern school operation and management under RCW 28A.710.040 and apply to charter schools established under this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.715 RCW to read as follows:

Sections 2 and 4(3) of this act govern school operation and management under RCW 28A.715.020 and apply to state-tribal compact schools established under this chapter.

NEW SECTION. Sec. 7. The public schools emergency transportation relief account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may only be used to backfill reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided that such reductions have not been backfilled through receipt of federal emergency relief funds, and must be attributable to documented allowable uses for transportation-related services as established under section 2 of

this act.

NEW SECTION. Sec. 8. The sum of \$100,000,000 is appropriated for fiscal year 2021, from the general fund account—state to the public schools emergency transportation relief account created in section 7 of this act for the purposes of backfilling reductions in state funding allocations resulting from transportation declines caused by a declared statewide emergency, provided that such reductions have not been backfilled through receipt of federal emergency relief funds, and must be attributable to documented allowable uses for transportation-related services as established under section 2 of this act.

Sec. 9. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation

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future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 10. RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury

FIFTY THIRD DAY, MARCH 4, 2021

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(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The abandoned recreational vehicle disposal account, the aeronautics account, the Alaskan Way viaduct replacement project account, the ambulance transport fund, the brownfield redevelopment trust fund account, the budget stabilization account, the capital vessel replacement account, the capitol building construction account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the Chehalis basin account, the Chehalis basin taxable account, the cleanup settlement account, the Columbia river basin water supply development account, the Columbia river basin taxable bond water supply development account, the Columbia river basin water supply revenue recovery account, the common school construction fund, the community forest trust account, the connecting Washington account, the county arterial preservation account, the county criminal justice assistance account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community ~~((trust))~~ services account, the diesel idle reduction account, the drinking water assistance account, the administrative subaccount of the drinking water assistance account, the early learning facilities development account, the early learning facilities revolving account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the electric vehicle account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the ferry bond retirement fund, the fish, wildlife, and conservation account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the state higher education construction account, the higher education construction account, the higher education retirement plan supplemental benefit fund, the highway bond retirement fund, the highway infrastructure account, the highway safety fund, the hospital safety net assessment fund, the Interstate 405 and state route number 167 express toll lanes account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the limited fish and wildlife account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the money-purchase retirement savings administrative account, the money-purchase retirement savings principal account, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the multiuse roadway safety account, the municipal criminal justice assistance account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the pilotage account, the pollution liability insurance agency underground storage tank revolving account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3

2021 REGULAR SESSION

account, the public facilities construction loan revolving account, the public health supplemental account, the public schools emergency transportation relief account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puget Sound Gateway facility account, the Puget Sound taxpayer accountability account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural mobility grant program account, the rural Washington loan fund, the sexual assault prevention and response account, the site closure account, the skilled nursing facility safety net trust fund, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state reclamation revolving account, the state route number 520 civil penalties account, the state route number 520 corridor account, the statewide broadband account, the statewide tourism marketing account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the toll facility bond retirement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation future funding program account, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the University of Washington bond retirement fund, the University of Washington building account, the voluntary cleanup account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the vulnerable roadway user education account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 11. RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

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FIFTY THIRD DAY, MARCH 4, 2021

2021 REGULAR SESSION

officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving administration account, the water pollution control revolving fund, the Western Washington University capital projects account, the Yakima integrated plan implementation account, the Yakima integrated plan implementation revenue recovery account, and the Yakima integrated plan implementation taxable bond account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts.

(b) Any state agency that has independent authority over accounts or funds not statutorily required to be held in the state treasury that deposits funds into a fund or account in the state treasury pursuant to an agreement with the office of the state treasurer shall receive its proportionate share of earnings based upon each account's or fund's average daily balance for the period.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 12. Section 9 of this act expires July 1, 2021.

NEW SECTION. Sec. 13. Section 10 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2021.

NEW SECTION. Sec. 14. Section 10 of this act expires July 1, 2024.

NEW SECTION. Sec. 15. Section 11 of this act takes effect July 1, 2024.

NEW SECTION. Sec. 16. Sections 1 through 9 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "emergency;" strike the remainder of the title and insert "amending RCW 28A.160.170 and 28A.160.192; reenacting and amending RCW 43.84.092, 43.84.092, and 43.84.092; adding a new section to chapter 28A.160 RCW; adding a new section to chapter 28A.710 RCW; adding a new section to chapter 28A.715 RCW; creating new sections; making an appropriation; providing effective dates; providing expiration dates; and declaring an emergency."

MOTION

Senator Wilson, L. moved that the following floor amendment no. 353 by Senator Wilson, L. be adopted:

On page 5, line 6, after "**Sec. 7.**" insert "(1)"

On page 5, after line 15, insert the following:

"(2) A charter school, state-tribal compact school, or school district may not receive expenditures from the public schools emergency transportation relief account if the school or school district meets the minimum parameters for in-person learning recommended by the department of health and does not offer in-person learning at or above the recommended level."

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

Senators Wellman and Liias spoke against adoption of the amendment to the striking amendment.

POINT OF ORDER

Senator Braun: "I feel like the speaker is impugning my character based on a previous vote."

RULING BY THE PRESIDENT

President Heck: "Let's keep in mind the rules with respect to impeaching other members. Maybe take a breath here."

Senator Liias continued his remarks against adoption of the amendment to the striking amendment.

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

POINT OF INQUIRY

Senator Conway: "Senator Wilson, I represent four districts, and three of those districts are currently all in, opening their schools to kindergarten through third, some are opening them up for middle schoolers. How will this amendment impact that gradual work toward reopening the schools?"

Senator Wilson, L.: "Well, the schools need to be open in full in order to accept the money. They have to meet the minimum parameters for in person learning recommended by the Department of Health."

Senators Muzzall, Fortunato, and Ericksen spoke in favor of adoption of the amendment to the striking amendment.

Senators Hunt and Gildon spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of floor amendment no. 353 by Senator Wilson, L. on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Wilson, L. carried and floor amendment no. 353 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 355 by Senator Hawkins be adopted:

On page 5, line 6, after "**Sec. 7.**" insert "(1)"

On page 5, after line 15, insert the following:

"(2) Any funds that remain in the public schools emergency transportation relief account at the end of the 2021-2023 fiscal biennia must be deposited into the state general fund."

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

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

The President declared the question before the Senate to be the adoption of floor amendment no. 355 by Senator Hawkins on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Hawkins carried and floor amendment no. 355 was adopted by voice vote.

MOTION

Senator Hawkins moved that the following floor amendment no. 356 by Senator Hawkins be adopted:

On page 5, line 6, after "Sec. 7." insert "(1)"

On page 5, after line 15, insert the following:

"(2) The public schools emergency transportation relief account is intended to be the payor of last resort, and as such no charter school, state-tribal compact school, or school district may receive expenditures from the account until the school or school district has demonstrated there are no available federal relief funds that can be used to address allowable transportation costs."

Senators Hawkins and Wellman 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. 356 by Senator Hawkins on page 5, line 6 to striking floor amendment no. 344.

The motion by Senator Hawkins carried and floor amendment no. 356 was adopted by voice vote.

Senators Wellman and Hawkins 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. 344 by Senator Wellman as amended to Second Substitute Senate Bill No. 5128.

The motion by Senator Wellman carried and striking floor amendment no. 344 as amended was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5128 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman and Hawkins 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. 5128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5128 and the bill passed the Senate by the following vote: Yeas, 35; Nays, 14; Absent, 0; Excused, 0.

Voting yea: Senators Billig, Braun, Brown, Cleveland, Darneille, Das, Dozier, Fortunato, Gildon, Hawkins, Hobbs, Holy, Honeyford, Hunt, Keiser, McCune, Mullet, Muzzall, Nobles, Padden, Pedersen, Randall, Rivers, Rolfes, Salomon, Schoesler, Sheldon, Short, Van De Wege, Wagoner, Warnick, Wellman, Wilson, C., Wilson, J. and Wilson, L.

Voting nay: Senators Carlyle, Conway, Dhingra, Ericksen, Frockt, Hasegawa, King, Kuderer, Lias, Lovelett, Nguyen, Robinson, Saldaña and Stanford

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5128, 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. 5082, by Senators Fortunato, Hunt and Kuderer

Reestablishing the productivity board.

MOTIONS

On motion of Senator Fortunato, Substitute Senate Bill No. 5082 was substituted for Senate Bill No. 5082 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fortunato, the rules were suspended, Substitute Senate Bill No. 5082 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fortunato spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Pedersen: "Thank you very much Mr. President. I think you may have resolved it already. I was wondering if someone called you Mr. Speaker three times in the course of one speech if that resulted in three fines or just one?"

REPLY BY THE PRESIDENT

President Heck: "Unfortunately you're reminding me of your inquiry at rules the other day. I hope the President will take this under advisement."

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

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5082.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5082 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE SENATE BILL NO. 5082, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:23 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o'clock a.m. Friday, March 5, 2021.

DENNY HECK, President of the Senate

BRAD HENDRICKSON, Secretary of the Senate

1041-S.E		Introduction & 1st Reading.....	3
Messages	1		
1086-S2.E		Introduction & 1st Reading.....	1
1105		Introduction & 1st Reading.....	1
1107-S		Introduction & 1st Reading.....	1
1115		Messages	1
1117-S2.E		Messages	1
1127-S2		Introduction & 1st Reading.....	1
1140-S.E		Messages	1
1145-S		Introduction & 1st Reading.....	1
1155-S		Introduction & 1st Reading.....	1
1214-S.E		Messages	1
1216-S2.E		Introduction & 1st Reading.....	2
1219-S2		Messages	1
1269-S		Messages	1
1315		Introduction & 1st Reading.....	2
1320-S2.E		Introduction & 1st Reading.....	2
1322-S		Messages	1
1355-S		Messages	1
1365-S2.E		Introduction & 1st Reading.....	2
1382-S2.E		Messages	1
1386.E		Messages	1
1399		Introduction & 1st Reading.....	2
1411-S		Introduction & 1st Reading.....	2
1416-S		Introduction & 1st Reading.....	3
		1423-S	
		Introduction & 1st Reading.....	3
		1426-S.E	
		Introduction & 1st Reading.....	3
		1437	
		Messages	1
		1443-S.E	
		Messages	1
		1471.E	
		Introduction & 1st Reading.....	3
		1529-S.E	
		Messages	1
		5016	
		Second Reading	12
		Third Reading Final Passage	12
		5031	
		Second Reading	18
		Third Reading Final Passage	18
		5082	
		Second Reading	26
		5082-S	
		Second Reading	26
		Third Reading Final Passage	26
		5122	
		Second Reading	9
		5122-S	
		Second Reading	9, 11
		5122-S.E	
		Third Reading Final Passage	11
		5128	
		Second Reading	20
		5128-S2	
		Second Reading	20, 25, 26
		5128-S2.E	
		Third Reading Final Passage	26
		5145	
		Second Reading	13
		Third Reading Final Passage	13
		5160	
		Second Reading	3
		5160-S2	
		Second Reading	3, 4, 5, 7
		5160-S2.E	
		Third Reading Final Passage	8
		5203	
		Second Reading	18

5203-S
 Other Action..... 19
 Second Reading 18
 5203-S.E
 Third Reading Final Passage 19
 5220
 Second Reading 13
 5220.E
 Third Reading Final Passage 17
 5291
 Second Reading 12
 Third Reading Final Passage 12
 5321
 Second Reading 8
 5321-S
 Other Action..... 8
 Second Reading 8
 5321-S.E
 Final Passage on Reconsideration..... 9
 Other Action..... 9
 Third Reading Final Passage 9
 5395
 Second Reading 12
 5395-S2
 Second Reading 12, 13

5395-S2.E
 Third Reading Final Passage 13
 5471
 Introduction & 1st Reading..... 1
 CHAPLAIN OF THE DAY
 Ward, Ms. Sandy, Reverend, Tumwater
 United Methodist Church..... 1
 FLAG BEARERS
 Washington State Patrol Honor Guard 1
 GUESTS
 McCain, Mr. Richard, Pledge of Allegiance1
 PRESIDENT OF THE SENATE
 Remarks by the President..... 18
 Reply by the President 19, 26
 Ruling by the President..... 25
 WASHINGTON STATE SENATE
 Parliamentary Inquiry, Senator Mullet 19
 Parliamentary Inquiry, Senator Pedersen.... 26
 Personal Privilege, Senator Billig 19
 Personal Privilege, Senator Cleveland..... 19
 Personal Privilege, Senator Rivers..... 19
 Point of Inquiry, Senator Conway 25
 Point of Order, Senator Braun 25
 Remarks by Senator Liias 19