

**FORTY SIXTH DAY**

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MORNING SESSION

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Senate Chamber, Olympia  
Thursday, February 22, 2024

The Senate was called to order at 9 o'clock a.m. by the President of the Senate, Lt. Governor Heck presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Pages Mr. Tim Healey and Miss Evangeline Morgan, presented the Colors.

Page Miss Joy Rurangwa led the Senate in the Pledge of Allegiance.

The prayer was offered by Reverend Terry Murray of Unity of Olympia.

MOTIONS

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

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

February 21, 2024

SB 5950 Prime Sponsor, Senator Robinson: Making 2023-2025 fiscal biennium supplemental operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: That Substitute Senate Bill No. 5950 be substituted therefor, and the substitute bill do pass. Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Rivers, Assistant Ranking Member, Capital; Billig; Boehnke; Braun; Conway; Dhingra; Hasegawa; Hunt; Keiser; Muzzall; Pedersen; Randall; Saldaña; Van De Wege and Wellman.

MINORITY recommendation: Do not pass. Signed by Senator Schoesler, Ranking Member, Capital.

MINORITY recommendation: That it be referred without recommendation. Signed by Senators Torres and Wagoner.

Referred to Committee on Rules for second reading.

MOTIONS

On motion of Senator Pedersen, the measure listed on the Standing Committee report was referred to the committee as designated.

On motion of Senator Pedersen, the Committee on Rules was relieved of Senate Bill No. 5950, concerning 2023-2025 fiscal biennium supplemental operating appropriations, and the bill was placed on the day's Second Reading Calendar; and for the purposes of Senate Rule No. 53, the bill was considered to have been placed on the Second Reading Calendar as of 9:05 a.m., Thursday, February 22.

*EDITOR'S NOTE:* Senate Rule 53 prohibits action on second reading of a budget bill until twenty-four hours after the bill has been on the second reading calendar.

MOTIONS

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

Senator Liias moved adoption of the following resolution:

SENATE RESOLUTION  
8681

By Senator Liias

WHEREAS, Patty Rubstello began her career at the Washington State Department of Transportation (WSDOT) in 1990; and

WHEREAS, In 2002, Patty advocated for the I-405 corridor program as a traffic policy engineer; and

WHEREAS, In 2008, Patty spearheaded marketing and outreach for the SR 167 HOT project, which implemented "Good to Go!" all electronic tolling in Washington State; and

WHEREAS, Patty and team delivered "smarter highways" in 2010 that included automated traffic management systems; and

WHEREAS, In 2011 Patty and team implemented tolling on the SR 520 floating bridge; and

WHEREAS, Patty and team in 2015 implemented the I-405 express toll lanes between Bellevue and Lynnwood; and

WHEREAS, In 2015, Patty took over leadership of the toll division; and

WHEREAS, Patty created the Office of Urban Mobility and Access in 2017 and served as their assistant secretary; and

WHEREAS, In 2020 Patty was appointed as assistant secretary of WSDOT and head of Washington State Ferries (WSF), the largest ferry system in the country; and

WHEREAS, Patty showed dedication by attending night classes while working at WSF to finish her engineering degree; and

WHEREAS, As head of WSF, Patty went above and beyond for her employees, going so far as to attend the ordinary sailor training required of ferry operators in order to better understand what was expected of them; and

WHEREAS, Patty worked hard to address many of the issues WSF is facing including strengthening their workforce, increasing ferry reliability, and responding to the needs of local communities; and

WHEREAS, At every point in her career, Patty demonstrated exceptional commitment to public service; and

WHEREAS, After a remarkable 33 years at the Washington State Department of Transportation, Patty Rubstello has announced her retirement;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and congratulate Patty Rubstello for over three decades of outstanding service at the Department of Transportation.

Senators Liias and King spoke in favor of adoption of the resolution.

MOTION

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

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8681.

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

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Ms. Patty Rubstello who was seated in the gallery.

#### MOTION

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

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Frame moved that Ed Zuckerman, Senate Gubernatorial Appointment No. 9017, be confirmed as a member of The Evergreen State College Board of Trustees.

Senators Frame and Hunt spoke in favor of passage of the motion.

#### MOTION

On motion of Senator Wagoner, Senator Rivers was excused.

#### APPOINTMENT OF ED ZUCKERMAN

The President declared the question before the Senate to be the confirmation of Ed Zuckerman, Senate Gubernatorial Appointment No. 9017, as a member of The Evergreen State College Board of Trustees.

The Secretary called the roll on the confirmation of Ed Zuckerman, Senate Gubernatorial Appointment No. 9017, as a member of The Evergreen State College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

Ed Zuckerman, Senate Gubernatorial Appointment No. 9017, having received the constitutional majority was declared confirmed as a member of The Evergreen State College Board of Trustees.

#### THIRD READING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

#### MOTION

Senator Salomon moved that Eben Pobe, Senate

Gubernatorial Appointment No. 9037, be confirmed as a member of the Shoreline Community College Board of Trustees.

Senator Salomon spoke in favor of the motion.

#### MOTION

On motion of Senator Nobles, Senator Liias was excused.

#### APPOINTMENT OF EBEN POBEE

The President declared the question before the Senate to be the confirmation of Eben Pobe, Senate Gubernatorial Appointment No. 9037, as a member of the Shoreline Community College Board of Trustees.

The Secretary called the roll on the confirmation of Eben Pobe, Senate Gubernatorial Appointment No. 9037, as a member of the Shoreline Community College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

Eben Pobe, Senate Gubernatorial Appointment No. 9037, having received the constitutional majority was declared confirmed as a member of the Shoreline Community College Board of Trustees.

#### MOTION

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

#### SECOND READING

HOUSE BILL NO. 1530, by Representatives Cortes, Mena, Simmons, Ryu, Davis, and Fosse

Expanding eligibility for employment of certain law enforcement and prosecutor office positions.

The measure was read the second time.

#### MOTION

On motion of Senator Valdez, the rules were suspended, House Bill No. 1530 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Valdez and Padden spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1530.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1530 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1972, by Representatives Simmons, Harris, Reed, Ormsby, and Riccelli

Increasing the licensure fees that support the Washington physicians health program.

The measure was read the second time.

MOTION

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1972 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 1972.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1972 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

HOUSE BILL NO. 1972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1998, by House Committee on Housing (originally sponsored by Representatives Gregerson, Barkis, Leavitt, Rule, Ryu, Reed, Morgan, Fitzgibbon, Berry, Duerr, Bronoske, Ramos, Ramel, Bateman, Peterson, Chambers, Taylor, Simmons, Ormsby, Graham, Callan, Macri, Donaghy, Doglio, Mena, Nance, Riccelli, Cortes, Santos, Pollet, and Davis)

Concerning co-living housing.

The measure was read the second time.

MOTION

Senator Salomon moved that the following amendment no. 697 by Senator Salomon be adopted:

On page 4, line 28, after "for" strike "utility connections" and insert "sewer connections, unless the city or county makes a finding, based on facts, that the connection fees should exceed the one-half threshold"

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

The President declared the question before the Senate to be the adoption of amendment no. 697 by Senator Salomon on page 4, line 28 to Engrossed Substitute House Bill No. 1998.

The motion by Senator Salomon carried and amendment no. 697 was adopted by voice vote.

MOTION

On motion of Senator Salomon, the rules were suspended, Engrossed Substitute House Bill No. 1998 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Salomon, Torres and Lovelett spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 1998 as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 1998 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

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

Voting nay: Senators Padden, Rivers, Warnick and Wilson, L.  
Excused: Senator Liias

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1998 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 2111, by Representatives Nance, Senn, Simmons, Callan, Tharinger, Lekanoff, Wylie, and Reeves

Clarifying requirements for subsidized child care.

The measure was read the second time.

## MOTION

On motion of Senator Wilson, C., the rules were suspended, House Bill No. 2111 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of House Bill No. 2111.

## ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 2111 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

HOUSE BILL NO. 2111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SUBSTITUTE HOUSE BILL NO. 1249, by House Committee on Regulated Substances & Gaming (originally sponsored by Representatives Corry and Reeves)

Regarding limits on the sale and possession of retail cannabis products.

The measure was read the second time.

## MOTION

On motion of Senator Pedersen, the rules were suspended, Substitute House Bill No. 1249 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1249.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1249 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Senator Padden

Excused: Senator Liias

SUBSTITUTE HOUSE BILL NO. 1249, 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 9:45 a.m., on motion of Senator Pedersen, the Senate was declared to be at ease subject to the call of the President.

Senator Hasegawa announced a meeting of the Democratic Caucus immediately upon going at ease.

Senator Warnick announced a meeting of the Republican Caucus immediately upon going at ease.

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The Senate was called to order at 10:15 a.m. by the President of the Senate, Lt. Governor Heck presiding.

## SECOND READING

SENATE BILL NO. 5949, by Senators Mullet, and Schoesler

Concerning the capital budget.

On motion of Senator Mullet, Substitute Senate Bill No. 5949 was substituted for Senate Bill No. 5949 and the substitute bill was placed on the second reading and read the second time.

SUBSTITUTE SENATE BILL NO. 5949, by Senate Ways & Means (originally sponsored by Senators Mullet and Schoesler)

## MOTION

Senator Mullet moved that the following amendment no. 695 by Senator Mullet be adopted:

On page 92, line 16, after "appropriation" insert "and natural climate solutions account—state appropriation"

Senators Mullet and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 695 by Senator Mullet on page 92, line 16 to Substitute Senate Bill No. 5949.

The motion by Senator Mullet carried and amendment no. 695 was adopted by voice vote.

## MOTION

Senator Mullet moved that the following amendment no. 694 by Senator Mullet be adopted:

On page 92, after line 32, insert the following:  
"NEW SECTION. Sec. 3016. A new section is added to 2023 c 474 (uncodified) to read as follows:

**FOR THE STATE CONSERVATION COMMISSION**  
Anaerobic Digester Development (91001830)

The appropriation in this section is subject to the following conditions and limitations:

(1)(a) \$22,000,000 of the appropriation in this section is provided solely for grants to dairy farm owners for cost-share agreements regarding anaerobic digester development. Grants

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awarded for anaerobic digester development must have at least a 50 percent nonstate match and be awarded through a competitive process that considers:

(i) The amount of greenhouse gas reduction expected to be achieved by the proposal; and

(ii) The amount of untreated effluent expected to be reduced by the proposal.

(b) Recipients of grants under this section must provide a report to the commission within one year of receipt of the grant, detailing the success of the project in meeting the stated criteria in the competitive process.

(2) \$2,900,000 of the appropriation in this section is provided solely for the commission to provide financial and technical assistance for project predevelopment.

Appropriation:

Climate Commitment Account—State	\$24,900,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$99,600,000
<b>TOTAL</b>	<b>\$124,500,000"</b>

Re-number the remaining sections consecutively and correct any internal references accordingly.

Senators Mullet and Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 694 by Senator Mullet on page 92, after line 32 to Substitute Senate Bill No. 5949.

The motion by Senator Mullet carried and amendment no. 694 was adopted by voice vote.

**MOTIONS**

On motion of Senator Mullet, the rules were suspended, Engrossed Substitute Senate Bill No. 5949 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Mullet, Schoesler, Trudeau, Hawkins and Fortunato spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5949.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5949 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 5949, 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 Mullet: "Last year, I remembered, I did this in my formal remarks last year and you very kindly reminded me it's better, appropriate for a personal privilege to thank staff that

worked on the capital budget and I'd like to highlight Michael Bezanson, Wendy Brown, Shani Bauer, were the nonpartisan staff. And we also had Sarian Scott, she had indeed made a lot of guest appearances in that room as well. And we had James Crandall and David Bremer from the partisan staff. And like I said, it was a fun. It was a fun room. Part of the reason it was a fun room is because staff is excellent and they also had a good time I think during these early morning sessions. I really appreciate all their hard work."

**SECOND READING**

HOUSE BILL NO. 1954, by Representatives Riccelli, Bateman, Ramel, Reed, Simmons, Ormsby, Macri, Doglio, Thai, Lekanoff, and Reeves

Harmonizing language relating to reproductive health care services and gender-affirming treatment.

The measure was read the second time.

**MOTION**

On motion of Senator Cleveland, the rules were suspended, House Bill No. 1954 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1954.

**ROLL CALL**

The Secretary called the roll on the final passage of House Bill No. 1954 and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

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

HOUSE BILL NO. 1954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**SECOND READING**

SUBSTITUTE HOUSE BILL NO. 2295, by House Committee on Health Care & Wellness (originally sponsored by Bateman, Hutchins, Riccelli, Bronoske, Reed, Orwall, Davis, Tharinger, Simmons, Callan, and Macri)

Concerning hospital at-home services.

The measure was read the second time.

**MOTION**

Senator Cleveland moved that the following committee

striking amendment by the Committee on Health & Long Term Care be adopted:

Strike everything after the enacting clause and insert the following:

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

(a) "Hospital at home" is a service that provides safe and effective care, improves outcomes, and benefits patients. It was developed by Johns Hopkins healthcare solutions and has been used by the veteran's health administration and medical centers in the United States and around the world;

(b) Washington hospitals began offering this service following the launch of the centers for medicare and medicaid services acute hospital care at-home program in response to the COVID-19 pandemic. Since that time, participating Washington patients have experienced fewer readmissions and shorter treatment periods and report high rates of satisfaction;

(c) Authorizing the continuation of this service would benefit patients in Washington, a state with one of the lowest number of beds per patient population in the country and a track record of providing high quality inpatient care; and

(d) Immediate authorization of this service is necessary to preserve continuity of care and provision of services without disruption.

(2) It is the intent of the legislature to authorize acute care hospitals licensed under this chapter to continue providing hospital at-home services and direct the department to adopt rules including those services among those that may be offered by such hospitals.

**"NEW SECTION. Sec. 2.** A new section is added to chapter 70.41 RCW to read as follows:

(1) Hospitals subject to this chapter may provide hospital at-home services if they have an active federal program waiver prior to when the department adopts rules pursuant to this section. Hospitals that have an active federal program waiver and intend to operate hospital at-home services within Washington state shall notify the department within 30 days of receiving the waiver.

(2)(a) The department shall adopt rules by December 31, 2025, to implement this act and add hospital at-home services to those services that may be provided by an acute care hospital licensed under this chapter. The rules shall establish standards for the operation of a hospital at-home program. In establishing the initial standards, the department shall consider the provisions of the federal program and endeavor to make the standards substantially similar. The standards may not include requirements that would make a hospital ineligible for or preclude a hospital from complying with the requirements of the federal program. The department may adopt additional standards to promote safe care and treatment of patients as needed.

(b) In the event that the federal program expires before the department establishes rules, hospitals shall continue to follow federal program requirements that were in effect as of the date of the federal program's expiration and the department shall enforce such requirements until the department adopts rules.

(c) Once rules are established, hospitals that intend to offer or continue offering hospital at-home services shall apply to the department for approval to add hospital at-home services as a hospital service line. Hospitals that have secured a federal program waiver prior to rule adoption may provide hospital at-home services while applying for approval. The department shall approve a hospital to provide hospital at-home services if the application is consistent with the standards established in rule. RCW 43.70.115 and chapter 34.05 RCW govern notice and adjudicative proceedings related to denial of an application. The department may set a one-time application fee in rule. The application fees charged shall not exceed the actual cost of staff

time to review. The administration of the program must be covered by licensing fees set by the department under the authority of RCW 70.41.100 and 43.70.250.

(3) Hospital at-home services are not subject to chapter 70.126 or 70.127 RCW.

(4) Hospital at-home services do not count as an increase in the number of the hospital's licensed beds and are not subject to chapter 70.38 RCW.

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

(a) "Hospital at-home services" means acute care services provided by a licensed acute care hospital to a patient outside of the hospital's licensed facility and within a home or any location determined by the patient receiving the service.

(b) "Federal program" means the acute hospital care at-home program established by the federal centers for medicare and medicaid services under 42 U.S.C. Sec. 1320b-5 and extended by 42 U.S.C. Sec. 1395cc-7, or any successor program.

**"NEW SECTION. Sec. 3.** A new section is added to chapter 70.126 RCW to read as follows:

This chapter does not apply to hospital at-home services provided by an acute care hospital licensed under chapter 70.41 RCW.

**Sec. 4.** RCW 70.127.040 and 2020 c 258 s 2 are each amended to read as follows:

The following are not subject to regulation for the purposes of this chapter:

(1) A family member providing home health, hospice, or home care services;

(2) A person who provides only meal services in an individual's permanent or temporary residence;

(3) An individual providing home care through a direct agreement with a recipient of care in an individual's permanent or temporary residence;

(4) A person furnishing or delivering home medical supplies or equipment that does not involve the provision of services beyond those necessary to deliver, set up, and monitor the proper functioning of the equipment and educate the user on its proper use;

(5) A person who provides services through a contract with a licensed agency;

(6) An employee or volunteer of a licensed agency who provides services only as an employee or volunteer;

(7) Facilities and institutions, including but not limited to nursing homes under chapter 18.51 RCW, hospitals under chapter 70.41 RCW, adult family homes under chapter 70.128 RCW, assisted living facilities under chapter 18.20 RCW, developmental disability residential programs under chapter 71A.12 RCW, other entities licensed under chapter 71.12 RCW, or other licensed facilities and institutions, only when providing services to persons residing within the facility or institution;

(8) Local and combined city-county health departments providing services under chapters 70.05 and 70.08 RCW;

(9) An individual providing care to ill individuals, individuals with disabilities, or vulnerable individuals through a contract with the department of social and health services;

(10) Nursing homes, hospitals, or other institutions, agencies, organizations, or persons that contract with licensed home health, hospice, or home care agencies for the delivery of services;

(11) In-home assessments of an ill individual, an individual with a disability, or a vulnerable individual that does not result in regular ongoing care at home;

(12) Services conducted by and for the adherents of a church or religious denomination that rely upon spiritual means alone through prayer for healing in accordance with the tenets and practices of such church or religious denomination and the bona

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fide religious beliefs genuinely held by such adherents;

(13) A medicare-approved dialysis center operating a medicare-approved home dialysis program;

(14) A person providing case management services. For the purposes of this subsection, "case management" means the assessment, coordination, authorization, planning, training, and monitoring of home health, hospice, and home care, and does not include the direct provision of care to an individual;

(15) Pharmacies licensed under RCW 18.64.043 that deliver prescription drugs and durable medical equipment that does not involve the use of professional services beyond those authorized to be performed by licensed pharmacists pursuant to chapter 18.64 RCW and those necessary to set up and monitor the proper functioning of the equipment and educate the person on its proper use;

(16) A volunteer hospice complying with the requirements of RCW 70.127.050;

(17) A person who provides home care services without compensation;

(18) Nursing homes that provide telephone or web-based transitional care management services; ~~((and))~~

(19) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416; and

(20) Hospital at-home services provided by a hospital pursuant to section 2 of this act.

**Sec. 5.** RCW 70.38.111 and 2021 c 277 s 1 are each amended to read as follows:

(1) The department shall not require a certificate of need for the offering of an inpatient tertiary health service by:

(a) A health maintenance organization or a combination of health maintenance organizations if (i) the organization or combination of organizations has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (ii) the facility in which the service will be provided is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination;

(b) A health care facility if (i) the facility primarily provides or will provide inpatient health services, (ii) the facility is or will be controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations which has, in the service area of the organization or service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals, (iii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iv) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary health service will be individuals enrolled with such organization or organizations in the combination; or

(c) A health care facility (or portion thereof) if (i) the facility is or will be leased by a health maintenance organization or combination of health maintenance organizations which has, in the service area of the organization or the service areas of the organizations in the combination, an enrollment of at least fifty thousand individuals and, on the date the application is submitted under subsection (2) of this section, at least fifteen years remain in the term of the lease, (ii) the facility is or will be geographically located so that the service will be reasonably accessible to such enrolled individuals, and (iii) at least seventy-five percent of the patients who can reasonably be expected to receive the tertiary

health service will be individuals enrolled with such organization;

if, with respect to such offering or obligation by a nursing home, the department has, upon application under subsection (2) of this section, granted an exemption from such requirement to the organization, combination of organizations, or facility.

(2) A health maintenance organization, combination of health maintenance organizations, or health care facility shall not be exempt under subsection (1) of this section from obtaining a certificate of need before offering a tertiary health service unless:

(a) It has submitted at least thirty days prior to the offering of services reviewable under RCW 70.38.105(4)(d) an application for such exemption; and

(b) The application contains such information respecting the organization, combination, or facility and the proposed offering or obligation by a nursing home as the department may require to determine if the organization or combination meets the requirements of subsection (1) of this section or the facility meets or will meet such requirements; and

(c) The department approves such application. The department shall approve or disapprove an application for exemption within thirty days of receipt of a completed application. In the case of a proposed health care facility (or portion thereof) which has not begun to provide tertiary health services on the date an application is submitted under this subsection with respect to such facility (or portion), the facility (or portion) shall meet the applicable requirements of subsection (1) of this section when the facility first provides such services. The department shall approve an application submitted under this subsection if it determines that the applicable requirements of subsection (1) of this section are met.

(3) A health care facility (or any part thereof) with respect to which an exemption was granted under subsection (1) of this section may not be sold or leased and a controlling interest in such facility or in a lease of such facility may not be acquired and a health care facility described in subsection (1)(c) of this section which was granted an exemption under subsection (1) of this section may not be used by any person other than the lessee described in subsection (1)(c) of this section unless:

(a) The department issues a certificate of need approving the sale, lease, acquisition, or use; or

(b) The department determines, upon application, that (i) the entity to which the facility is proposed to be sold or leased, which intends to acquire the controlling interest, or which intends to use the facility is a health maintenance organization or a combination of health maintenance organizations which meets the requirements of subsection (1)(a)(i) of this section, and (ii) with respect to such facility, meets the requirements of subsection (1)(a)(ii) or (iii) of this section or the requirements of subsection (1)(b)(i) and (ii) of this section.

(4) In the case of a health maintenance organization, an ambulatory care facility, or a health care facility, which ambulatory or health care facility is controlled, directly or indirectly, by a health maintenance organization or a combination of health maintenance organizations, the department may under the program apply its certificate of need requirements to the offering of inpatient tertiary health services to the extent that such offering is not exempt under the provisions of this section or RCW 70.38.105(7).

(5)(a) The department shall not require a certificate of need for the construction, development, or other establishment of a nursing home, or the addition of beds to an existing nursing home, that is owned and operated by a continuing care retirement community that:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of

services from independent living through skilled nursing, including some assistance with daily living activities;

(iii) Contractually assumes responsibility for the cost of services exceeding the member's financial responsibility under the contract, so that no third party, with the exception of insurance purchased by the retirement community or its members, but including the medicaid program, is liable for costs of care even if the member depletes his or her personal resources;

(iv) Has offered continuing care contracts and operated a nursing home continuously since January 1, 1988, or has obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the state assuring that financial liability for services to members, including nursing home services, will not fall upon the state;

(vi) Does not operate, and has not undertaken a project that would result in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has obtained a professional review of pricing and long-term solvency within the prior five years which was fully disclosed to members.

(b) A continuing care retirement community shall not be exempt under this subsection from obtaining a certificate of need unless:

(i) It has submitted an application for exemption at least thirty days prior to commencing construction of, is submitting an application for the licensure of, or is commencing operation of a nursing home, whichever comes first; and

(ii) The application documents to the department that the continuing care retirement community qualifies for exemption.

(c) The sale, lease, acquisition, or use of part or all of a continuing care retirement community nursing home that qualifies for exemption under this subsection shall require prior certificate of need approval to qualify for licensure as a nursing home unless the department determines such sale, lease, acquisition, or use is by a continuing care retirement community that meets the conditions of (a) of this subsection.

(6) A rural hospital, as defined by the department, reducing the number of licensed beds to become a rural primary care hospital under the provisions of Part A Title XVIII of the Social Security Act Section 1820, 42 U.S.C., 1395c et seq. may, within three years of the reduction of beds licensed under chapter 70.41 RCW, increase the number of licensed beds to no more than the previously licensed number without being subject to the provisions of this chapter.

(7) A rural health care facility licensed under RCW 70.175.100 formerly licensed as a hospital under chapter 70.41 RCW may, within three years of the effective date of the rural health care facility license, apply to the department for a hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter 70.41 RCW and there is no redistribution in the number of beds used for acute care or long-term care, the rural health care facility has been in continuous operation, and the rural health care facility has not been purchased or leased.

(8) A rural hospital determined to no longer meet critical access hospital status for state law purposes as a result of participation in the Washington rural health access preservation pilot identified by the state office of rural health and formerly licensed as a hospital under chapter 70.41 RCW may apply to the department to renew its hospital license and not be subject to the requirements of RCW 70.38.105(4)(a) as the construction, development, or other establishment of a new hospital, provided there is no increase in the number of beds previously licensed under chapter

70.41 RCW. If all or part of a formerly licensed rural hospital is sold, purchased, or leased during the period the rural hospital does not meet critical access hospital status as a result of participation in the Washington rural health access preservation pilot and the new owner or lessor applies to renew the rural hospital's license, then the sale, purchase, or lease of part or all of the rural hospital is subject to the provisions of this chapter.

(9)(a) A nursing home that voluntarily reduces the number of its licensed beds to provide assisted living, licensed assisted living facility care, adult day care, adult day health, respite care, hospice, outpatient therapy services, congregate meals, home health, or senior wellness clinic, or to reduce to one or two the number of beds per room or to otherwise enhance the quality of life for residents in the nursing home, may convert the original facility or portion of the facility back, and thereby increase the number of nursing home beds to no more than the previously licensed number of nursing home beds without obtaining a certificate of need under this chapter, provided the facility has been in continuous operation and has not been purchased or leased. Any conversion to the original licensed bed capacity, or to any portion thereof, shall comply with the same life and safety code requirements as existed at the time the nursing home voluntarily reduced its licensed beds; unless waivers from such requirements were issued, in which case the converted beds shall reflect the conditions or standards that then existed pursuant to the approved waivers.

(b) To convert beds back to nursing home beds under this subsection, the nursing home must:

(i) Give notice of its intent to preserve conversion options to the department of health no later than thirty days after the effective date of the license reduction; and

(ii) Give notice to the department of health and to the department of social and health services of the intent to convert beds back. If construction is required for the conversion of beds back, the notice of intent to convert beds back must be given, at a minimum, one year prior to the effective date of license modification reflecting the restored beds; otherwise, the notice must be given a minimum of ninety days prior to the effective date of license modification reflecting the restored beds. Prior to any license modification to convert beds back to nursing home beds under this section, the licensee must demonstrate that the nursing home meets the certificate of need exemption requirements of this section.

The term "construction," as used in (b)(ii) of this subsection, is limited to those projects that are expected to equal or exceed the expenditure minimum amount, as determined under this chapter.

(c) Conversion of beds back under this subsection must be completed no later than four years after the effective date of the license reduction. However, for good cause shown, the four-year period for conversion may be extended by the department of health for one additional four-year period.

(d) Nursing home beds that have been voluntarily reduced under this section shall be counted as available nursing home beds for the purpose of evaluating need under RCW 70.38.115(2) (a) and (k) so long as the facility retains the ability to convert them back to nursing home use under the terms of this section.

(e) When a building owner has secured an interest in the nursing home beds, which are intended to be voluntarily reduced by the licensee under (a) of this subsection, the applicant shall provide the department with a written statement indicating the building owner's approval of the bed reduction.

(10)(a) The department shall not require a certificate of need for a hospice agency if:

(i) The hospice agency is designed to serve the unique religious or cultural needs of a religious group or an ethnic minority and commits to furnishing hospice services in a manner specifically



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aimed at meeting the unique religious or cultural needs of the religious group or ethnic minority;

(ii) The hospice agency is operated by an organization that:

(A) Operates a facility, or group of facilities, that offers a comprehensive continuum of long-term care services, including, at a minimum, a licensed, medicare-certified nursing home, assisted living, independent living, day health, and various community-based support services, designed to meet the unique social, cultural, and religious needs of a specific cultural and ethnic minority group;

(B) Has operated the facility or group of facilities for at least ten continuous years prior to the establishment of the hospice agency;

(iii) The hospice agency commits to coordinating with existing hospice programs in its community when appropriate;

(iv) The hospice agency has a census of no more than forty patients;

(v) The hospice agency commits to obtaining and maintaining medicare certification;

(vi) The hospice agency only serves patients located in the same county as the majority of the long-term care services offered by the organization that operates the agency; and

(vii) The hospice agency is not sold or transferred to another agency.

(b) The department shall include the patient census for an agency exempted under this subsection (10) in its calculations for future certificate of need applications.

(11) To alleviate the need to board psychiatric patients in emergency departments and increase capacity of hospitals to serve individuals on ninety-day or one hundred eighty-day commitment orders, for the period of time from May 5, 2017, through June 30, 2023:

(a) The department shall suspend the certificate of need requirement for a hospital licensed under chapter 70.41 RCW that changes the use of licensed beds to increase the number of beds to provide psychiatric services, including involuntary treatment services. A certificate of need exemption under this subsection (11)(a) shall be valid for two years.

(b) The department may not require a certificate of need for:

(i) The addition of beds as described in RCW 70.38.260 (2) and (3); or

(ii) The construction, development, or establishment of a psychiatric hospital licensed as an establishment under chapter 71.12 RCW that will have no more than sixteen beds and provide treatment to adults on ninety or one hundred eighty-day involuntary commitment orders, as described in RCW 70.38.260(4).

(12)(a) An ambulatory surgical facility is exempt from all certificate of need requirements if the facility:

(i) Is an individual or group practice and, if the facility is a group practice, the privilege of using the facility is not extended to physicians outside the group practice;

(ii) Operated or received approval to operate, prior to January 19, 2018; and

(iii) Was exempt from certificate of need requirements prior to January 19, 2018, because the facility either:

(A) Was determined to be exempt from certificate of need requirements pursuant to a determination of reviewability issued by the department; or

(B) Was a single-specialty endoscopy center in existence prior to January 14, 2003, when the department determined that endoscopy procedures were surgeries for purposes of certificate of need.

(b) The exemption under this subsection:

(i) Applies regardless of future changes of ownership,

corporate structure, or affiliations of the individual or group practice as long as the use of the facility remains limited to physicians in the group practice; and

(ii) Does not apply to changes in services, specialties, or number of operating rooms.

(13) A rural health clinic providing health services in a home health shortage area as declared by the department pursuant to 42 C.F.R. Sec. 405.2416 is not subject to certificate of need review under this chapter.

(14) Hospital at-home services, as defined in section 2 of this act, are not subject to certificate of need review under this chapter.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 70.127.040 and 70.38.111; adding a new section to chapter 70.41 RCW; adding a new section to chapter 70.126 RCW; creating a new section; and declaring an emergency."

Senator Cleveland spoke in favor of adoption of the committee striking amendment.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Health & Long Term Care to Substitute House Bill No. 2295.

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

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2295 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2295 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2295 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2295 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1975, by Representatives Ortiz-Self, Ryu,

Berry, Ramel, Reed, Simmons, Ormsby, Fey, Kloba, Macri, Street, Fosse, Bergquist, Reeves, Wylie, and Pollet

Relieving individuals from paying interest on certain unemployment insurance overpayment assessments.

The measure was read the second time.

#### MOTION

On motion of Senator Braun, the rules were suspended, House Bill No. 1975 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

#### MOTION

On motion of Senator Nobles, Senator Liias was excused.

The President declared the question before the Senate to be the final passage of House Bill No. 1975.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1975 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

HOUSE BILL NO. 1975, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The President Pro Tempore assumed the chair, Senator Keiser presiding.

#### PERSONAL PRIVILEGE

Senator Fortunato: "It's fortunate that you're up there as President today because you will remember a few years ago I stood on this Senate floor and reported that the City of Wilkeson had a \$56,000 bill that was not paid. And currently, with interest, it was five million and something dollars. Today, Madam President, we now have a display of that very letter in the Secretary of State's Office. Together, with some pictures of the quarry and the building, the Capitol building – coming up on our hundredth anniversary. One of those pictures, if you really look in detail, has a gentleman doing the fine work, the fine sculpting. And that gentleman is Ralph Munro's grandfather. So, I invite everybody here to go and check out the display. It's a small display, not quite – I wanted the entire wall – but they gave me a little display in the display case. So, please enjoy it and help support that Wilkeson stone bill. Thank you Madam President."

*EDITOR'S NOTE:* The Honorable Ralph Munro served five terms as Washington's thirteenth Secretary of State from 1981 – 2001.

#### SECOND READING

HOUSE BILL NO. 1920, by Representatives Robertson, Reeves, Ryu, and Graham

Modifying the public accountancy act.

The measure was read the second time.

#### MOTION

On motion of Senator Dozier, the rules were suspended, House Bill No. 1920 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dozier spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of House Bill No. 1920.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1920 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Senator Liias

HOUSE BILL NO. 1920, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331, by House Committee on Education (originally sponsored by Representatives Stonier, Macri, Davis, Pollet, Reed, and Ramel)

Modifying requirements for public school instructional and supplemental instructional materials.

The measure was read the second time.

#### MOTION

Senator Nobles moved that the following committee striking amendment by the Committee on Early Learning & K-12 Education be adopted:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.320 RCW to read as follows:

(1)(a) Except as provided otherwise by this section, a school district board of directors may not refuse to approve, or prohibit the use of, any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction on the basis that it relates to or includes the study of the role and contributions of any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(b) Subsection (1)(a) of this section does not apply if the

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content of the material relating to the role and contributions of an individual or group violates the provisions of chapter 28A.642 or 28A.640 RCW, including materials containing bias against any individual or group who is part of a protected class as established in RCW 28A.642.010 and 28A.640.010.

(2) Anyone alleging a violation of subsection (1) of this section may bring a complaint under the provisions of chapter 28A.642 or 28A.640 RCW. Any school district board of directors found to be in violation of subsection (1) of this section shall be considered to have violated chapter 28A.642 or 28A.640 RCW and is subject to the provisions of that chapter.

(3) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

**NEW SECTION. Sec. 2.** A new section is added to chapter 28A.320 RCW to read as follows:

(1) By the beginning of the 2025-26 school year, each school district board of directors shall adopt or revise as necessary policies and procedures governing requested reviews and removals of supplemental instructional materials. The policies and procedures must:

(a) Include a summary of, and citation to, the requirements governing supplemental instructional materials established in section 1 of this act;

(b) Require that requests for the review and potential removal of supplemental instructional materials be in writing from a parent and submitted to the applicable certificated teacher or teacher-librarian and school principal;

(c) Seek to resolve requests for reviews and potential removals of supplemental instructional materials at the school building level through, if requested by the parent, a meeting with the parent, the applicable certificated teacher or teacher-librarian, and school principal;

(d) Require, if a resolution cannot be agreed upon with the parent and the school principal, and following a review of the supplemental instructional materials by the principal, in consultation with a teacher-librarian of the school district if one is available, the principal to provide a written decision on whether to remove the materials within: (i) 30 days of the meeting with the parent; or (ii) 60 days of receiving the request under (b) of this subsection if the parent does not request to meet with school personnel as provided in (c) of this subsection; and

(e) Provide a process for appealing decisions of principals, either by the parent or the applicable certificated teacher or teacher-librarian, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent.

(2) Decisions made in accordance with subsection (1)(d) and (e) of this section must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent who submitted the complaint.

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

(a) "Parent" means a parent or legal guardian of a student who is enrolled in the school or school district;

(b) "Supplemental instructional materials" or "materials"

means: (i) Materials in school libraries; and (ii) educational materials that are not expressly required by the school or school district and are instead selected at the discretion of a certificated teacher or teacher-librarian for materials in school libraries; and

(c) "Teacher-librarian" has the same meaning as in RCW 28A.320.240.

(4) This section governs school operation and management under RCW 28A.710.040 and 28A.715.020 and applies to charter schools established under chapter 28A.710 RCW and state-tribal education compact schools subject to chapter 28A.715 RCW to the same extent as it applies to school districts.

**Sec. 3.** RCW 28A.320.230 and 1989 c 371 s 1 are each amended to read as follows:

(1) Every board of directors, unless otherwise specifically provided by law, shall:

((+)) (a) Prepare, negotiate, set forth in writing and adopt, policy relative to the selection or deletion of instructional materials. Such policy shall:

((+)) (i) State the school district's goals and principles relative to instructional materials;

((+)) (ii) Delegate responsibility for the preparation and recommendation of teachers' reading lists and specify the procedures to be followed in the selection of all instructional materials including text books;

((+)) (iii) Establish an instructional materials committee to be appointed, with the approval of the school board, by the school district's chief administrative officer. This committee shall consist of ~~((representative))~~; Representative members of the district's professional staff, including representation from the district's curriculum development committees ~~((, and, in the case of districts which))~~; one or more parents of enrolled students, with the parent members equaling less than one-half of the total membership of the committee; and in the case of districts that operate elementary school(s) only, the educational service district superintendent, one of whose responsibilities shall be to assure the correlation of those elementary district adoptions with those of the high school district(s) which serve their children. ((The committee may include parents at the school board's discretion: PROVIDED, That parent members shall make up less than one-half of the total membership of)) School districts shall develop and implement comprehensive outreach programs to parents of enrolled students in the district for the purpose of recruiting a diverse pool of parent members for instructional materials committees that reflects the demographics and learning needs in the district to the greatest extent possible;

((+)) (iv) Instructional materials committees that are unable to recruit at least one parent of an enrolled student to serve on the committee must, while they are without a parent member, report quarterly to the school district board of directors and the public on their efforts to recruit one or more parents to serve on the committee;

((+)) (v) Provide for reasonable notice to parents of the opportunity to serve on the committee and for terms of office for members of the instructional materials committee;

((+)) (vi) Provide a system for receiving, considering and acting upon written complaints regarding instructional materials used by the school district. The system required by this subsection (1)(a)(vi) must:

(A) Require that complaints be in writing from a parent or legal guardian of student who is enrolled in the district and submitted to a principal from a school where the materials that are the subject of the complaint are used;

(B) Seek to resolve complaints through, if requested by the parent or guardian, a meeting with the parent or guardian, a certificated teacher who uses the materials that are the subject of

the complaint, and the principal to whom the complaint was submitted;

(C) Require, if a resolution cannot be agreed upon with the parent or guardian and the school principal, the instructional materials committee to provide a written decision on the matter within: (I) 60 days of a meeting held under (a)(vi)(B) of this subsection; or (II) 90 days after the complaint was received by the principal, whichever date is later. Decisions made in accordance with this subsection (1)(a)(vi) must be in conformity with section 1 of this act and may be limited in application to only the student or students of the parent or guardian who submitted the complaint; and

(D) Provide a process for appealing decisions of the instructional materials committee, by the parent or guardian, a certificated teacher who uses the materials that are the subject of the complaint, or a principal from a school where the materials that are the subject of the complaint are used, to the superintendent of the school district or a designee of the superintendent. Appeal requests must be made in writing and decisions by the superintendent or designee under this subsection are not subject to appeal. Final decisions at any point in the process made in accordance with this subsection (1)(a)(vi) may not be reconsidered for a minimum of three years unless there is a substantive change of circumstances as determined by the superintendent; and

((~~F~~)) (vii) Provide free text books, supplies and other instructional materials to be loaned to the pupils of the school, when, in its judgment, the best interests of the district will be subserved thereby and prescribe rules and regulations to preserve such books, supplies and other instructional materials from unnecessary damage; and

(b) Establish a depreciation scale for determining the value of texts which students wish to purchase.

(2) Recommendation of instructional materials shall be by the district's instructional materials committee in accordance with district policy. ((Approval)) Recommendations made in accordance with this section must include recommendations for culturally and experientially representative instructional materials including materials on the study of the role and contributions of individuals or groups that are part of a protected class under RCW 28A.642.010 and 28A.640.010, but approval or disapproval shall be by the local school district's board of directors.

(3) Districts may pay the necessary travel and subsistence expenses for expert counsel from outside the district. In addition, the committee's expenses incidental to visits to observe other districts' selection procedures may be reimbursed by the school district.

(4) Districts may, within limitations stated in board policy, use and experiment with instructional materials for a period of time before general adoption is formalized.

(5) Within the limitations of board policy, a school district's chief administrator may purchase instructional materials to meet deviant needs or rapidly changing circumstances.

((~~2~~) Establish a depreciation scale for determining the value of texts which students wish to purchase.))

**Sec. 4.** RCW 28A.150.230 and 2010 c 235 s 201 are each amended to read as follows:

(1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of ((Title 28A RCW)) this title, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such

program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of ((Title 28A RCW)) this title, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its superintendent, classified staff, certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum. Each district shall report annually to the superintendent of public instruction the following for each employee group listed in this subsection (2)(a): (i) Evaluation criteria and rubrics; (ii) a description of each rating; and (iii) the number of staff in each rating;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs and data, based upon a plan to ensure that the assignment policy: (i) Supports the learning needs of all the students in the district; and (ii) gives specific attention to high-need schools and classrooms;

(c) Provide information to the local community and its electorate describing the school district's policies concerning hiring, assigning, terminating, and evaluating staff, including the criteria for evaluating teachers and principals;

(d) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW 28A.150.220, or rules of the state board of education;

(e) Determine the allocation of staff time, whether certificated or classified;

(f) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(g) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, ((in public hearing)) upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable in accordance with section 2 of this act and RCW 28A.320.230.

**Sec. 5.** RCW 28A.642.020 and 2010 c 240 s 3 are each amended to read as follows:

(1) The superintendent of public instruction shall develop rules and guidelines to eliminate discrimination prohibited in RCW 28A.642.010 and section 1 of this act as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in textbooks ((and)), instructional materials ((used by students)), and supplemental instructional materials, and student access to those materials.

(2) For the purposes of this section, "supplemental instructional materials" has the same meaning as in section 2 of this act.

**NEW SECTION. Sec. 6.** A new section is added to chapter 28A.640 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter 28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter.

**NEW SECTION. Sec. 7.** A new section is added to chapter 28A.642 RCW to read as follows:

In accordance with section 1 of this act, decisions by school district boards of directors, charter school boards under chapter

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28A.710 RCW, and state-tribal education compact schools subject to chapter 28A.715 RCW that pertain to textbooks, instructional materials, supplemental instructional materials, and other curriculum for student instruction may be subject to the provisions of this chapter."

On page 1, line 5 of the title, after "materials;" strike the remainder of the title and insert "amending RCW 28A.320.230, 28A.150.230, and 28A.642.020; adding new sections to chapter 28A.320 RCW; adding a new section to chapter 28A.640 RCW; and adding a new section to chapter 28A.642 RCW."

MOTION

Senator McCune moved that the following amendment no. 704 by Senator McCune be adopted:

On page 1, line 24, after "(3)" insert "A school district board of directors may not approve the use of any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction if it contains any erotic material as defined in RCW 9.68.050, sexually explicit material as defined in RCW 9.68.130, or lewd or obscene matter as defined in RCW 7.48A.010.

(4) A school employee may not use or offer any textbook, instructional material, supplemental instructional material, or other curriculum for student instruction if it contains any erotic material as defined in RCW 9.68.050, sexually explicit material as defined in RCW 9.68.130, or lewd or obscene matter as defined in RCW 7.48A.010.

(5)"

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

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 704 by Senator McCune on page 1, line 24 to the committee striking amendment.

The motion by Senator McCune did not carry and amendment no. 704 was not adopted by voice vote.

MOTION

Senator Wilson, J. moved that the following amendment no. 703 by Senator Wilson, J. be adopted:

On page 2, line 12, after "parent" insert "or grandparent"

On page 2, line 17, after "by the parent" insert "or grandparent"

On page 2, line 17, after "with the parent" insert "or grandparent"

On page 2, line 21, after "parent" insert "or grandparent"

On page 2, line 26, after "parent" insert "or grandparent"

On page 2, line 27, after "parent" insert "or grandparent"

On page 2, line 30, after "parent" insert "or grandparent"

On page 3, line 2, after "parent" insert "or grandparent"

On page 3, line 5, after "(a)" insert "'Grandparent' means a grandparent of a student who is enrolled in the school or school district;

(b)"

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

On page 4, beginning on line 26, after "parent" strike "or legal guardian of" and insert ". legal guardian, or grandparent of a"

On page 4, line 31, after "parent" strike "or guardian, a meeting with the parent or guardian" and insert ". legal guardian, or grandparent, a meeting with the parent, legal guardian, or grandparent"

On page 4, line 35, after "parent" strike "or guardian" and insert ". legal guardian, or grandparent"

On page 5, line 2, after "parent" strike "or guardian" and insert ". legal guardian, or grandparent"

On page 5, line 4, after "parent" strike "or guardian" and insert ". legal guardian, or grandparent"

On page 7, line 14, after "guardians" strike "or" and insert "((~~or~~))."

On page 7, line 14, after "custodians" insert ". or grandparents"

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

Senators Nobles, Saldaña and Trudeau spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 703 by Senator Wilson, J. on page 2, line 12 to committee striking amendment.

The motion by Senator Wilson, J. did not carry and amendment no. 703 was not adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced students from Three River Christian School in Longview, guests of Senator Jeff Wilson, who were seated in the gallery.

MOTION

Senator Short moved that the following amendment no. 702 by Senator Short be adopted:

On page 2, line 34, after "subsection" strike "are not subject to appeal" and insert "may be appealed to the school district board of directors"

On page 5, line 10, after "subsection" strike "are not subject to appeal" and insert "may be appealed to the school district board of directors"

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

MOTION

Senator Short demanded a roll call.

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

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

Senators Nobles and Wilson, C. spoke against adoption of the amendment to the committee striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Short on page 2, line 34 to committee striking amendment.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Short and the amendment was not adopted by the following vote: Yeas, 20; Nays, 29; Absent, 0; Excused, 0.

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

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

#### MOTION

Senator Gildon moved that the following amendment no. 707 by Senator Gildon be adopted:

On page 2, beginning on line 34, after "appeal." strike all material through "superintendent." on line 38

On page 5, beginning on line 10, after "appeal" strike all material through "superintendent" on line 14

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

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 707 by Senator Gildon on page 2, line 34 to committee striking amendment.

The motion by Senator Gildon did not carry and amendment no. 707 was not adopted by voice vote.

#### MOTION

Senator Nobles moved that the following amendment no. 708 by Senator Nobles be adopted:

On page 4, line 27, after "of" insert "a"

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

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 708 by Senator Nobles on page 4, line 27 to committee striking amendment.

The motion by Senator Nobles carried and amendment no. 708 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Early Learning & K-12 Education as amended to Engrossed Substitute House Bill No. 2331.

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

#### MOTION

On motion of Senator Nobles, the rules were suspended, Engrossed Substitute House Bill No. 2331 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Nobles and Randall spoke in favor of passage of the bill.

Senators Hawkins, Rivers, Dozier, Wilson, J. and Fortunato spoke against passage of the bill.

#### POINT OF ORDER

Senator Billig: "Thank you Madam President, I would like to ask the President to remind the gentleman to speak to the topic before us. Thank you."

#### REMARKS BY THE PRESIDENT

President Pro Tempore Keiser: "Well said. Senator Fortunato, please speak to the bill before us and you might need a glass of water."

Senators Fortunato, McCune and Wagoner spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute House Bill No. 2331 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 2331 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 29; Nays, 20; Absent, 0; Excused, 0.

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

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2331, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 1241, by House Committee on Community Safety, Justice, & Reentry (originally sponsored by Representatives Leavitt, Reeves, Reed, Morgan, and Bronoske)

Addressing harassment.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9A.46.020 and 2023 c 102 s 16 are each amended to read as follows:

(1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

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(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical health or safety; and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

(2)(a) Except as provided in (b) of this subsection, a person who harasses another is guilty of a gross misdemeanor.

(b) A person who harasses another is guilty of a class C felony if any of the following apply: (i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in RCW 9A.46.060, of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order; (ii) the person harasses another person under subsection (1)(a)(i) of this section by threatening to kill the person threatened or any other person; (iii) the person harasses a criminal justice participant or election official who is performing his or her official duties at the time the threat is made; or (iv) the person harasses a criminal justice participant or election official because of an action taken or decision made by the criminal justice participant or election official during the performance of his or her official duties. For the purposes of (b)(iii) and (iv) of this subsection, the fear from the threat must be a fear that a reasonable criminal justice participant or election official would have under all the circumstances. Threatening words do not constitute harassment if it is apparent to the criminal justice participant or election official that the person does not have the present and future ability to carry out the threat.

(3) Any criminal justice participant or election official who is a target for threats or harassment prohibited under subsection (2)(b)(iii) or (iv) of this section, and any ~~((family members))~~ person residing with him or her, shall be eligible for the address confidentiality program created under RCW 40.24.030.

(4) For purposes of this section, a criminal justice participant includes any (a) federal, state, or local law enforcement agency employee; (b) federal, state, or local prosecuting attorney or deputy prosecuting attorney; (c) staff member of any adult corrections institution or local adult detention facility; (d) staff member of any juvenile corrections institution or local juvenile detention facility; (e) community corrections officer, probation, or parole officer; (f) member of the indeterminate sentence review board; (g) advocate from a crime victim/witness program; or (h) defense attorney.

(5) For the purposes of this section, an election official includes any staff member of the office of the secretary of state or staff member of a county auditor's office, regardless of whether the member is employed on a temporary or part-time basis, whose duties relate to voter registration or the processing of votes as provided in Title 29A RCW.

(6) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law.

**Sec. 2.** RCW 40.24.030 and 2023 c 462 s 501 and 2023 c 193 s 18 are each reenacted and amended to read as follows:

(1)(a) An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an ~~((incapacitated person))~~ individual subject to guardianship as defined in RCW 11.130.010, (b) any election official as described in RCW 9A.46.020 or 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv),

and any person residing with such person ~~((Family member))~~, (c) any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) and any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), and any person residing with such person, and (d) any protected health care services provider, employee, or an affiliate of such provider, who provides, attempts to provide, assists in the provision, or attempts to assist in the provision of protected health care services as defined in RCW 7.115.010, and any family members residing with such person, may apply to the secretary of state to have an address designated by the secretary of state serve as the person's address or the address of the minor or incapacitated person. The secretary of state shall approve an application if it is filed in the manner and on the form prescribed by the secretary of state and if it contains:

(i) A sworn statement, under penalty of perjury, by the applicant that the applicant has good reason to believe (A) that the applicant, or the minor or incapacitated person on whose behalf the application is made, is a victim of domestic violence, sexual assault, trafficking, or stalking and that the applicant fears for the applicant's safety or the applicant's children's safety, or the safety of the minor or incapacitated person on whose behalf the application is made; (B) that the applicant, as an election official as described in RCW 9A.46.020 or 9A.90.120, is a target for threats or harassment prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv); (C) that the applicant, as a criminal justice participant as defined in RCW 9A.46.020, is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or that the applicant, as a criminal justice participant as defined in RCW 9A.90.120 is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv); or (D) that the applicant, as a protected health care services provider, employee, or an affiliate of such provider, who provides, attempts to provide, assists in the provision, or attempts to assist in the provision of protected health care services as defined in RCW 7.115.010, is a target for threats or harassment prohibited under RCW 9A.90.120 or 9A.46.020;

(ii) If applicable, a sworn statement, under penalty of perjury, by the applicant, that the applicant has reason to believe they are a victim of (A) domestic violence, sexual assault, or stalking perpetrated by an employee of a law enforcement agency, (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment as described in (a)(i)(D) of this subsection;

(iii) A designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;

(iv) The residential address and any telephone number where the applicant can be contacted by the secretary of state, which shall not be disclosed because disclosure will increase the risk of (A) domestic violence, sexual assault, trafficking, or stalking, (B) threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv) or 9A.46.020(2)(b) (iii) or (iv), or (C) threats or harassment as described in (a)(i)(D) of this subsection;

(v) The signature of the applicant and of any individual or representative of any office designated in writing under RCW 40.24.080 who assisted in the preparation of the application, and the date on which the applicant signed the application.

(2) Applications shall be filed with the office of the secretary of state.

(3) Upon filing a properly completed application, the secretary of state shall certify the applicant as a program participant. Applicants shall be certified for four years following the date of

filing unless the certification is withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(4)(a) During the application process, the secretary of state shall provide each applicant a form to direct the department of licensing to change the address of registration for vehicles or vessels solely or jointly registered to the applicant and the address associated with the applicant's driver's license or identicaid to the applicant's address as designated by the secretary of state upon certification in the program. The directive to the department of licensing is only valid if signed by the applicant. The directive may only include information required by the department of licensing to verify the applicant's identity and ownership information for vehicles and vessels. This information is limited to the:

- (i) Applicant's full legal name;
- (ii) Applicant's Washington driver's license or identicaid number;
- (iii) Applicant's date of birth;
- (iv) Vehicle identification number and license plate number for each vehicle solely or jointly registered to the applicant; and
- (v) Hull identification number or vessel document number and vessel decal number for each vessel solely or jointly registered to the applicant.

(b) Upon certification of the applicants, the secretary of state shall transmit completed and signed directives to the department of licensing.

(c) Within 30 days of receiving a completed and signed directive, the department of licensing shall update the applicant's address on registration and licensing records.

(d) Applicants are not required to sign the directive to the department of licensing to be certified as a program participant.

(5) A person who knowingly provides false or incorrect information upon making an application or falsely attests in an application that disclosure of the applicant's address would endanger (a) the applicant's safety or the safety of the applicant's children or the minor or incapacitated person on whose behalf the application is made, (b) the safety of any election official as described in RCW 9A.46.020 or 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.46.020 or 9A.90.120(2)(b) (iii) or (iv), (c) the safety of any criminal justice participant as defined in RCW 9A.46.020 who is a target for threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or (iv) or of any criminal justice participant as defined in RCW 9A.90.120 who is a target for threats or harassment prohibited under RCW 9A.90.120(2)(b) (iii) or (iv), or (d) the safety of any person as described in subsection (1)(a)(i)(D) of this section who is a target for threats or harassment, or any family members residing with such person, shall be punished under RCW 40.16.030 or other applicable statutes."

On page 1, line 1 of the title, after "harassment;" strike the remainder of the title and insert "amending RCW 9A.46.020; and reenacting and amending RCW 40.24.030."

#### MOTION

Senator Pedersen moved that the following amendment no. 701 by Senator Padden be adopted:

On page 2, line 11, after "(3)" insert "Legally protected speech, such as gathering or demonstrating in front of an election facility, or observing ballot submittal or ballot counting, does not on its face constitute harassment.

(4)"

Re-number the remaining subsections consecutively and correct any internal references accordingly.

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

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

The President declared the question before the Senate to be the adoption of amendment no. 701 by Senator Padden on page 2, line 11 to the committee striking amendment.

The motion by Senator Pedersen did not carry and amendment no. 701 was not adopted by voice vote.

#### MOTION

Senator Wagoner moved that the following amendment no. 698 by Senator Wagoner be adopted:

On page 2, line 31, after "RCW," insert "Solely for the purposes of this act, an election official also includes a person collecting signatures for an initiative or referendum petition."

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

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

The President declared the question before the Senate to be the adoption of amendment no. 698 by Senator Wagoner on page 2, line 31 to the committee striking amendment.

The motion by Senator Wagoner did not carry and amendment no. 698 was not adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following amendment no. 706 by Senator Schoesler be adopted:

On page 2, line 31, after "RCW," insert "Solely for the purposes of this act, an election official also includes election observers."

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

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

The President declared the question before the Senate to be the adoption of amendment no. 706 by Senator Schoesler on page 2, line 31 to the committee striking amendment.

The motion by Senator Schoesler did not carry and amendment no. 706 was not adopted by voice vote.

#### MOTION

Senator Dhingra moved that the following amendment no. 705 by Senator Dhingra be adopted:

On page 5, after line 34, insert the following:

"NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 6, line 2, after "9A.46.020;" strike "and"

On page 6, line 3, after "40.24.030" insert "; and declaring an emergency"

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

The President declared the question before the Senate to be the



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adoption of amendment no. 705 by Senator Dhingra on page 5, after line 34 to the committee striking amendment.

The motion by Senator Dhingra carried and amendment no. 705 was adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice as amended to Substitute House Bill No. 1241.

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

#### MOTION

On motion of Senator Dhingra, the rules were suspended, Substitute House Bill No. 1241 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

The President resumed the Chair, Lt. Governor Heck presiding.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 1241.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 1241 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 45; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Senators Fortunato, McCune, Padden and Wagoner

SUBSTITUTE HOUSE BILL NO. 1241, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

HOUSE BILL NO. 1054, by Representatives Walen, Simmons, Ryu, Bateman, Ramel, Doglio, Macri, Gregerson, Springer, Thai, Kloba, and Donaghy

Addressing the authority of owners' associations in common interest communities to regulate or limit occupancy by unrelated persons.

The measure was read the second time.

#### MOTION

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

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter

64.32 RCW to read as follows:

Except for occupancy limits on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code, city ordinance, or county ordinance, an association of apartment owners may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that regulates or limits the number of unrelated persons that may occupy an apartment.

NEW SECTION. Sec. 2. A new section is added to chapter 64.34 RCW to read as follows:

Except for occupancy limits on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code, city ordinance, or county ordinance, a unit owners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that regulates or limits the number of unrelated persons that may occupy a unit.

NEW SECTION. Sec. 3. A new section is added to chapter 64.38 RCW to read as follows:

Except for occupancy limits on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code, city ordinance, or county ordinance, a homeowners' association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that regulates or limits the number of unrelated persons that may occupy a lot.

NEW SECTION. Sec. 4. A new section is added to chapter 64.90 RCW to read as follows:

Except for occupancy limits on short-term rentals as defined in RCW 64.37.010 and any lawful limits on occupant load per square foot or generally applicable health and safety provisions as established by applicable building code, city ordinance, or county ordinance, a unit owners association may not adopt or enforce a restriction, covenant, condition, bylaw, rule, regulation, provision of a governing document, or master deed provision that regulates or limits the number of unrelated persons that may occupy a unit.

NEW SECTION. Sec. 5. If chapter . . . (Engrossed Substitute Senate Bill No. 5796), Laws of 2024 is enacted by June 30, 2024, sections 1 through 3 of this act expire January 1, 2028."

On page 1, line 3 of the title, after "persons;" strike the remainder of the title and insert "adding a new section to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding a new section to chapter 64.38 RCW; adding a new section to chapter 64.90 RCW; and providing a contingent expiration date."

#### MOTION

Senator Wilson, L. moved that the following amendment no. 699 by Senator Wilson, L. be adopted:

On page 2, after line 12, insert the following:

"NEW SECTION. Sec. 5. If any provision of this act or its application to any person, contract, or circumstance is held invalid, the remainder of the act or the application of the provision to other persons, contracts, or circumstances shall also be held invalid."

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

Senator Wilson, L. spoke in favor of adoption of the amendment to the committee striking amendment.

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

The President declared the question before the Senate to be the adoption of amendment no. 699 by Senator Wilson, L. on page 2, after line 12 to the committee striking amendment.

The motion by Senator Wilson, L. did not carry and amendment no. 699 was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the committee striking amendment by the Committee on Law & Justice to House Bill No. 1054.

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

#### MOTION

On motion of Senator Dhingra, the rules were suspended, House Bill No. 1054 as amended by the Senate was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Dhingra spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of House Bill No. 1054 as amended by the Senate.

#### ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1054 as amended by the Senate and the bill passed the Senate by the following vote: Yeas, 30; Nays, 19; Absent, 0; Excused, 0.

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

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

HOUSE BILL NO. 1054, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2136, by House Committee on Labor & Workplace Standards (originally sponsored by Representatives Ormsby, Schmidt, Doglio, Farivar, Berry, Simmons, Reed, Ramel, Mena, Goodman, Berg, Fosse, Reeves, Pollet, and Kloba)

Concerning prevailing wage sanctions, penalties, and debarment.

The measure was read the second time.

#### MOTION

On motion of Senator Conway, the rules were suspended, Substitute House Bill No. 2136 was advanced to third reading, the

second reading considered the third and the bill was placed on final passage.

Senators Conway and King spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2136.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2136 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 3; Absent, 0; Excused, 0.

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

Voting nay: Senators Padden, Schoesler and Wagoner

SUBSTITUTE HOUSE BILL NO. 2136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SUBSTITUTE HOUSE BILL NO. 2296, by House Committee on Local Government (originally sponsored by Representatives Griffey, Wylie, Couture, Harris, and Leavitt)

Extending the comprehensive plan revision schedule for select local governments.

The measure was read the second time.

#### MOTION

On motion of Senator Cleveland, the rules were suspended, Substitute House Bill No. 2296 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

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

The President declared the question before the Senate to be the final passage of Substitute House Bill No. 2296.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 2296 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2296, having received the

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constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

DENNY HECK, President of the Senate

SARAH BANNISTER, Secretary of the Senate

MOTION

At 12:36 p.m., on motion of Senator Pedersen, the Senate adjourned until 9 o'clock a.m. Friday, February 23, 2024.

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